

# STATE ATTORNEY'S OFFICE

EIGHTH JUDICIAL CIRCUIT  
WILLIAM P. CERVONE, STATE ATTORNEY

Legal Bulletin 2004-03  
Editor: Rose Mary Treadway

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## A MESSAGE FROM BILL CERVONE STATE ATTORNEY

As we do each year, this issue of the Legal Bulletin is largely devoted to new laws passed during the 2005 session and affecting criminal justice concerns. As you read through the summaries that we've included, please feel free to call if you need additional detail or would like a copy of the complete text of anything that is mentioned. These summaries are intended only to let you know that there is something out there that needs to be checked.

Aside from the significant changes to Florida's self defense laws that were included in the July 2005 Legal Bulletin, several of these new laws are noteworthy. One, the Jessica Lunsford Act (2005-28), significantly impacts the prosecution of people who sexually victimize children. You'll find in that act a new offense

under which it is a third degree felony for someone to conceal a Sexual Predator from law enforcement or otherwise provide false information to law enforcement about a Sexual Predator. Another (2005-128) more closely regulates the sale of medicinal products containing Ephedrine, Pseudo ephedrine, or certain other pre-cursor chemicals used in meth production. Several (2005-229,251) attempt to deal with the increasingly common crime of identity theft through a combination of enhanced penalties, by limiting the collection of social security numbers, and by requiring businesses that deal in identity related information to disclose any breach of their systems.

Not all of these new or amended laws will be of interest to everyone but I urge all of you to at least glance at them so that you can spot those that do directly affect you or your agency.

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SAO PERSONNEL CHANGES

ASA **KIRSTIN STINSON** resigned her position in the Gainesville felony division on July 31st to enter private practice with the Scruggs, Carmichael firm.

ASA **GABE HAMLETT** resigned his felony position in the Bronson Office on September 5<sup>th</sup> to take a position as General Counsel for the Campus USA Credit Union in Gainesville, where he has served as a volunteer Audit Committee member for the past two years. Gabe's position has been taken by **DUANE TRIPLETT**, a private practitioner in Gainesville.

**ANDREA MUIRHEAD** has taken a leave of absence for the remainder of 2005, during which she will be teaching in Belgium. Her Alachua County felony position has been assumed by **BILL EZZELL**.

ASA **JENNA BIEWEND** has resigned to take a position in private practice. Jenna's misdemeanor position was filled by **DAVID OBERLIESEN**, who comes to the office after working as a prosecutor in the 12<sup>th</sup> Circuit (Sarasota) since his graduation from the University of Florida Law School in 2003. David interned with the office while in law school.

**JESSICA MELNIK** has been hired as a new Gainesville County Court ASA. Jessica is a UF Law School grad and former intern who has just passed the Florida Bar Exam.

Bradford County ASA **OMAR HECHAVARRIA** is transferring back to a Gainesville Felony position, while Gainesville ASA **PHIL PENA** will assume Omar's Bradford County Division Chief duties.

Gainesville misdemeanor ASA **LUA MELLMAN** has been transferred to the Gainesville Felony division. Lua's domestic violence position will be assumed by ASA **BYRON FLAGG**.

**DEBRA ROSENBLUTH** has been hired as a new Gainesville ASA in County Court. She has recently passed the Bar Exam and is a graduate of American University College of Law in Washington, D.C. and an Emory University undergrad.

**ROBERT WILLIS** has been re-hired to fill a felony vacancy in the Bradford County Office. Robert previously worked in the Levy County Office and has spent the last year in private practice in Jacksonville before deciding to return to the SAO.

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**CONGRATULATIONS!**

ASAs **BYRON FLAGG** and **ANGELA BOUNDS** have passed the Florida Bar Exam and have been sworn in.

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**LEGAL ISSUES REGARDING  
UNDERAGE DRINKING AND ALCOHOL  
POSSESSION**

By Brent Gordon, ASA

The following is submitted as a guideline to law enforcement to insure the successful prosecution of alcohol possession cases.

**Age and Identification**

It is unlawful for any person under the age of 21 years to have in his or her possession alcoholic beverages (except in limited cases in the scope of employment).

**Essential Elements**

To establish a prima facie case for possession of alcohol by a person under 21, the State must show that the defendant possessed an alcoholic beverage and that he or she had knowledge.

**Alcoholic Beverage**

It is important to note that in order to support a conviction, there must be some evidence that a substance is alcoholic in nature. Since alcohol possession cases have a relatively low burden of proof, an officer's testimony concerning the appearance or smell of an illegal substance or an admission (or legal stipulation) by a defendant

may be enough to support a conviction. As a guideline, *the more evidence that is documented of the alcoholic nature of a substance, the stronger the case.* From a practical standpoint, using training and experience to describe the color, smell, and overall characteristics of the substance greatly enhances the strength of the case.

**Possession**

To prove possession, the State must show that a defendant possessed an alcoholic beverage and that he or she had knowledge of that possession. Possession can be actual or constructive. Actual possession is probably most obvious and is typically easier to prove in court. It is defined as having physical control over property. Actual possession falls in the realm of the five senses and generally leaves less to debate than constructive possession. Constructive possession, on the other hand, requires inferences to be made and the use of common sense. Of course, inherent in the nature of constructive possession is the difficulty linking the item possessed to the person suspected of having possession.

Constructive possession of alcoholic beverage exists when an accused does not have physical possession of it but knows it is within his presence and has the ability to maintain control over it. A practical guideline is that when there is more than one person around the alcohol, it cannot be inferred that a potential defendant had

control of the alcohol without other incriminating evidence to support that inference. Specifically, courts have held that mere proximity to contraband, without any other evidence is insufficient to establish constructive possession of the substance. A stronger case for constructive possession is when a person had exclusive control over the alcoholic beverage. However, courts can look to other factors to determine if a person had constructive possession. So if common sense gives a belief of possession, it is important to list the factors that give rise to the belief of possession.

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#### **CASE LAW UPDATE**

##### **Florida Cases**

##### **SEARCH & SEIZURE: EVEN MORE CRACKED WINDSHIELDS**

Howard was a passenger in her own vehicle when Alachua County Deputy Hood passed her and observed the car's cracked or broken windshield. Deputy Hood conducted a traffic stop, recognized Howard and the driver, and smelled marijuana when the driver stepped out of the car.

During a consensual search of the car, the deputy discovered items of contraband inside. After Howard was arrested and transported to jail, additional contraband was found on her person. The driver was cited and released at the scene. No citation was written for the broken windshield.

Howard filed a motion to suppress the hydrocodone, oxycodone, cocaine, marijuana and paraphernalia she was charged with possessing asserting that the initial stop was illegal for lack of probable cause, as the cracked windshield was insufficient to justify the stop. Circuit Judge Turner granted the motion and suppressed the evidence.

In August, the First DCA in **State v Howard** reversed the trial court, ruling that the stop of the vehicle was valid even though the crack did not create an immediate hazard. The Deputy had objective, reasonable suspicion to stop the car and inspect the windshield, so that the evidence discovered after the stop should not have been suppressed. The DCA noted conflict with a decision out of the Fourth DCA, **State v Burke**, that held to the contrary under similar circumstances.

The Florida Supreme Court will have to resolve this conflict.

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##### **SEARCH & SEIZURE: STALE CHILD PORNOGRAPHY SEARCH WARRANT?**

In 2002, FDLE agents filed an application for a search warrant on a residence in Indian River County in pursuit of videotapes of minors being sexually molested. The affidavit alleged that the victim, a young male who had lived with Defendant Brachlow and his co-Defendant from June 1997 until May 1998, advised that he was molested by both

men approximately once a day until he moved out. The victim stated that on different occasions, videotapes were made of the sexual abuse as Brachlow showed him the videos. The victim said that all videos were kept in a safe located in the family room closet where Brachlow had placed them in December, 1997.

FDLE Agent Thomas, a nationally recognized expert in the area of physical and sexual abuse investigations, stated that many sex offenders who make videos depicting child pornography and other child erotica often keep them as souvenirs and preserve them. Based on his experience and training, Agent Thomas alleged in the affidavit that the search team would possibly discover evidence of numerous victims of sexual exploitation.

Following the execution of the warrant, numerous drugs and videotapes were found at Brachlow's residence.

The Fourth DCA in Brachlow v State agreed with the trial judge who had denied the Defendant's motion to suppress the evidence based on the "staleness" of the probable cause cited in the search warrant affidavit.

The Court held that the victim knew the videos were made, saw the videos and knew that Brachlow stored them in a safe in the family room closet. The expert testimony of Agent Thomas established that it was highly likely that a sexual offender would keep child porn hidden but readily accessible

and that such material was not destroyed.

The Court further noted that federal courts have recognized that in child porn cases a substantial lapse of time does not render a search warrant stale. "Pedophiles rarely, if ever, dispose of child pornography. Many courts have similarly accorded weight to the fact that individuals protect and retain child pornography for long periods of time because it is illegal and difficult to obtain."

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**SEARCH & SEIZURE: ANONYMOUS  
TIP NOT SUFFICIENT**

The arresting officer received a dispatch that a man with a gun was walking with a group of five juveniles behind an Eckerd's Drug Store in Clearwater. Reportedly, the man was wearing a gray tee shirt and had a silver gun in his waistband. An anonymous tipster alerted the police to these facts.

The officer arrived on the scene within two minutes of receiving the dispatch. He saw a group of six juveniles, including K.W., walking away from the Eckerd's parking lot. As the officer approached, the juveniles turned and started walking away from him. The officer ordered them to stop. They stopped and obeyed the officer's instructions to face away from him, lock their fingers over their heads, and drop to their knees. The officer saw no weapons. Apart from the tip, the officer had no reason to believe that the juveniles were engaged in

criminal activity.

No consent to search was requested from the juveniles. They were patted down, one by one, looking for a gun. K.W., wearing a black tee shirt, was patted down; the officers felt the exposed hilt of a knife in K.W.'s waistband and arrested him. No gun was ever found on the juveniles.

The Second DCA in K.W. v State reversed the conviction, ruling that the anonymous tip was insufficient to justify the detention and pat down of the juveniles.

The Court agreed that information from an anonymous tip can provide reasonable suspicion for a stop if it is "suitably corroborated" by "specific indicia of reliability", such as "the correct forecast of a subject's 'not easily predicted' movements." The reliability of an anonymous tip is evaluated, among other considerations, on its degree of specificity, the extent of corroboration of predicted future conduct, and the significance of the informant's prediction.

Here, the fact remains that the tipster offered no reliable information, other than identification and location, upon which the police could have reasonably suspected that K.W. was engaged in illegal activity.

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**SEARCH & SEIZURE:**  
**IMPERMISSIBLE PAT DOWN**

While Estevez was in a

department store, he was asked to leave by store employees. At the same time, a police officer, who happened to be in the store investigating an unrelated incident, advised Estevez that he was to be issued a trespass warning.

The officer instructed Estevez to come with him to his patrol car, where the trespass warning forms were kept. As the two reached the car, the officer started to conduct a pat down of Estevez, who sought to physically evade the search. A firearm was found on Estevez, and he was later charged with possession of a firearm by convicted felon.

Estevez moved to suppress the firearm and statements made as being fruits of an illegal pat down, arguing that the officer had no reasonable suspicion that Estevez was armed or offered a threat to the safety of the officer or others, or that Estevez was engaged in criminal activity. The arresting officer testified at the suppression hearing that as the two approached his patrol car, he told Estevez that he was going to pat him down to make sure he was carrying no weapons or drugs. The officer further testified that he told Estevez that he was going to let the defendant sit in the back of the patrol car so the officer could write a trespass warning in a safe environment.

The officer admitted he conducted pat down searches as a matter of routine when placing persons in his vehicle. He further testified that, prior to the pat down, he had no intention of

arresting Estevez and intended only to issue a trespass warning.

In June, the First DCA in Estevez v State reversed the conviction, holding that an officer must have probable cause to believe a suspect is armed before the officer can conduct a pat down search or frisk of the suspect to ascertain the presence of a weapon. Pat down searches performed routinely or for generalized safety purposes only are constitutionally impermissible.

However, the dissent argued that the actions of the defendant justified the officer conducting a pat down for his own personal safety. The dissent noted that the trial court referenced the defendant's behavior in trying to hide something and specifically stated that the defendant's actions caused some concern in the mind of the officer about his own safety. A store employee and the officer testified concerning suspicious behavior in the store by this defendant which justified issuance of a trespass warning.

The officer also testified that while walking to his patrol car to write the warning, the suspect was walking in a manner to hide a side of his body from the officer, was acting very agitated, sweating, making a lot of nervous actions with his arms and hands, and his eyes were moving around a lot. While the officer testified that he routinely patted people down before putting them in the back of the car,

the officer indicated that the pat down was conducted because of concern for his own safety.

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#### DNA BY DECEPTION

While Wyche was detained in Columbia County for a probation violation, Lake City Police Investigator VanBennekom asked Wyche for a saliva sample, stating that he was suspected of committing a burglary at a Winn-Dixie. In fact VanBennekom had manufactured the fictitious Winn-Dixie burglary in order to obtain Wyche's consent to take swabs for a sexual assault investigation. No DNA match was obtained in the sexual assault case as a consequence, and Wyche was exonerated as to it.

During VanBennekom's investigation, Lake City Police Investigator Moody was also investigating a robbery of the Pink Magnolia, a gift shop in Lake City, and asked VanBennekom to send the saliva swab that he had obtained to FDLE for comparison with blood drops taken from the crime scene. FDLE acquired a match. Based on the results, Wyche was charged with the robbery.

Wyche argued that his consent had been obtained by deception. The First DCA in Wyche v State affirmed the conviction holding that deception does not negate consent.

Absent coercion, threats or misrepresentation of authority, the courts have long recognized deception as a viable and proper tool of

police investigation. The Court furthered opined that it would not follow State v McCord, a 2002 Fourth DCA case that equated deception with coercion. The Wyche Court said that "There is no threat of force or other compulsion involved in deception. To the contrary, the use of subterfuge avoids coercion which by its nature is overt and direct. The notion that deception is somehow morally reprehensible when practiced by the police in fighting crime unfairly impugns the motives of those seeking to uphold the law... Because a suspect is outsmarted by police does not mean the suspect somehow loses the will to refuse consent."

The majority closed by saying that the appellant was clearly aware of the fact that the officer wanted the DNA sample in order to investigate a crime, and the officer did not misrepresent the fact that he had no search warrant. The officer did not indicate that appellant had no choice regarding whether to provide a DNA sample. Appellant did not acquiesce to a claim of lawful authority.

In a heated dissent, the minority stated that "...the present case is a classic example of police overreaching that requires suppression of the DNA sample. The officer's deliberate misrepresentation was not a factual misstatement in an ongoing case in which appellant was a suspect, but its purpose was to delude him of his true position by informing him he was a suspect in a crime that had never been committed so that incriminating evidence might

be obtained from him in an altogether unrelated case, which as events developed, also revealed his non-complicity. It was not until the investigation of yet another unrelated case that the officer's deception bore fruit and a match was finally obtained. Such crime shopping, in my opinion, cannot be condoned in an ordered society."

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**UNLAWFUL USE OF POLICE BADGE  
STATUTE STRUCK DOWN**

In June, the Florida Supreme Court held Florida Statute 843.085 unconstitutional as being overbroad, vague and a violation of substantive due process in Sult v State.

Section 843.085(1) makes it a crime for an individual to exhibit, wear, or display any indicia of authority, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency or to display in any manner or combinations the word or words "police," "patrolman," "agent," "sheriff," "deputy," "trooper," "highway patrol," "Wildlife Officer," "Marine Patrol Officer," "state attorney," "public defender," "marshal," "constable," or "bailiff" which could deceive a reasonable person into believing that such item is authorized by any of the agencies described.

The statute has no intent-to-deceive element but, rather, requires only a general intent.



Kimberly Sult entered a convenience store in St. Petersburg wearing a black T-shirt on which was printed a large star and five-inch letters spelling the word "SHERIFF". The star was the official sheriff's five-point star and contained the official sheriff's seal and the words "Pinellas County Sheriff's Office". Sult was also wearing denim shorts and sandals.

At trial, a detective testified that the T-shirt in question was an official shirt of the Pinellas County Sheriff's Office and that the shirt was used in emergency response situations. Other deputies who were at the store when Sult was seen, testified that they approached Sult and asked her if she worked at the Pinellas County Sheriff's Office and that she replied yes, and showed a Sheriff's Office ID card. Minutes later, the deputies discovered that Sult did not work for Pinellas County but had been employed there several years earlier and had failed to return her ID card. Sult had purchased the T-shirt at Americana Uniforms, a store open to the public. Sult testified that when she purchased the shirt, she was not in uniform and was not asked for ID.

It was further established at trial that other indicia of law enforcement authority are commercially sold to the public. Sult was convicted of violating Ch 843.085(1).

The Florida Supreme Court found the statute unconstitutional because it

did not contain a specific intent-to-deceive element, and thus extended its prohibitions to innocent wearing and displaying of specified words. The Court found that the reach of the statute was not tailored toward the legitimate public purpose of prohibiting conduct intended to deceive the public into believing law enforcement impersonators. "The 'could deceive a reasonable person' element ...in conjunction with the prohibition of a display in any manner or combination of the words listed in the statute, results in a virtually boundless and uncertain restriction on expression."

The majority also found that the statute failed to give fair notice of what conduct is prohibited. "The statute fails to delineate when the displaying or wearing of the prohibited words will subject the person to prosecution, thus inviting arbitrary and discriminatory enforcement and making entirely innocent activities subject to prosecution."

The Court pointed out that there is a Florida Statute criminalizing the false impersonation of an officer, section 843.08 which is not implicated in this case.

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**CERTIFIED K-9 SNIFF IS  
PROBABLE CAUSE**

The Fourth DCA has issued an opinion that conflicts with a decision of the Second DCA on the issue of whether a certified narcotics K-9 alert

is probable cause for a search.

In September, the Fourth DCA in St v Laveroni held that the State can make a prima facie showing of probable cause based on a narcotic dog's alert by demonstrating that the dog has been properly trained and certified. The Court found that a conflicting decision out of the Second DCA, Matheson v St, that held that a trained and certified dog, standing alone, is insufficient to give officers probable cause to search, based on the dog's alert, is "out of the mainstream". The Laveroni Court held that if the defendant wishes to challenge the reliability of the dog, he can do so by using the performance records of the dog, or other evidence, such as expert testimony.

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**SIX SECOND KNOCK AND ANNOUNCE  
NOT ENOUGH  
"Officer peril" exception not  
applicable**

The Sarasota Sheriff's Office began a surveillance of Simmons and his residence resulting in the execution of a search warrant and arrest of Simmons for possession of contraband and a firearm.

The Second DCA in Simmons v St reversed the conviction, finding that the Deputies failed to wait a reasonable time for Simmons to respond to their knock, six seconds.

Section 933.09 provides that law enforcement officers must forcibly enter a home to execute a search warrant only

after announcing their authority and purpose and then being refused entry. Here, the maximum amount of time testified to was six seconds from the time the officers approached the door and began knocking until the time they threw a distraction device into the house.

The Court noted that this time problem can be overcome if there is a showing that a recognized exception exists. The Florida Supreme Court has recognized four exceptions to the knock and announce rule: (1) where the person within already knows of the officer's authority and purpose; (2) where the officers are justified in the belief that the persons within are in imminent peril of bodily harm; (3) if the officer's peril would have been increased had he demanded entrance and stated the purpose, or (4) where those within made aware of the presence of someone outside are then engaged in activities which justify the officers in the belief that an escape or destruction of evidence is being attempted.

The State argued that the "officer peril" exception applied for the following reasons: the officers had reason to believe that Simmons would be armed with a firearm because they knew his criminal history and that it included arrests for violent crimes; they knew that other members of the drug ring they were investigating carried guns; and the fact that Simmons was not answering the door for his girlfriend created a reasonable fear that Simmons was arming himself. Several

men saw the SWAT team approaching Simmons' house as the men were leaving the house. The officers believed the men could have called Simmons to warn him and that Simmons might arm himself. The officers also cited their fear that the woman knocking on the front door as they approached was warning Simmons of their presence.

The Court found all of the above reasons insufficient to show the "officer peril" exception because they were not based on any present knowledge or evidence that Simmons was armed, had access to a weapon, or had a propensity for violence. "An officer's belief that he or she may be in peril if the knock and announce procedure is followed should be based on particular circumstances existing at the time of the entry and should be grounded on something more than generalized knowledge that a defendant has been known to carry a weapon at some time in the past."

The Court, noting that the search warrant did state that Simmons' criminal record included arrests for violent crimes, (carrying concealed firearm, aggravated battery on LEO, aggravated assault with weapon), found there were no convictions for these offenses. The Court further noted that the detective testified that during his surveillance of Simmons, he never saw Simmons with a weapon or being violent or aggressive. "These facts reveal that the particular circumstances existing at the time of the execution of the

search warrant did not form the basis for a reasonable belief on the part of the officers that exigent circumstances justified their failure to comply with the knock and announce rules.

The Court ended by saying that this decision should not reflect poorly on the SWAT team members as they performed their duties admirably, efficiently, and with due regard for officer and civilian safety. "Under current case law, the time frame separating a 'good' knock case from a 'bad' one, as this case demonstrated, can be as little as a few seconds." "Perhaps it is time for the legislature to revisit the area of knock and announce with the specific goal of giving officers greater guidelines in an area that is presently defined on only a case by case basis."

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#### SCOPE OF CONSENT TO SEARCH

While conducting surveillance at a hotel parking lot known for its high volume of drug transactions, a deputy saw McCutcheon engage in behavior he believed to be indicative of narcotics sales. Upon approaching McCutcheon, who was alone in the passenger seat of a car, the deputy asked McCutcheon if he was staying at the hotel. McCutcheon said he was, but did not know his room number. The deputy requested ID, whereupon McCutcheon exited the vehicle to access a folder in the backseat. The deputy then saw three black "hide-a-key boxes" on the floorboard

of the passenger seat. He knew these containers were used to store drugs.

McCutcheon consented to a search of his person and the vehicle for drugs. The deputy picked up the key boxes, opened them, and found crack rocks and various other forms of narcotics.

The trial court suppressed the evidence, ruling that the defendant's consent did not extend to the containers inside the vehicle. The lower court noted that the deputy never requested nor received consent to open these containers and reasoned that the defendant's consent to search the vehicle extends only to the interior of the car and not to any containers therein.

The Fourth DCA in St v McCutcheon overruled the trial court's suppression of the evidence and held that when a defendant gives a police officer permission to search his automobile, that officer can assume that the consent includes containers within that car which might include drugs. "A reasonable person may be expected to know that narcotics are generally carried in some form of a container. 'Contraband goods rarely are strewn across the trunk or floor of a car.'" The Court noted that the defendant did not put any restrictions on the consent given, not did he attempt to withdraw or limit the scope of his consent or instruct the deputy that such consent did not extend to containers within the vehicle.

The Fourth DCA distinguished the Florida Supreme Court holding in St v Wells, where the high Court determined that a suspect's general consent to search a vehicle did not empower law enforcement to "pry open" locked containers therein. "It is very likely unreasonable to think that a suspect, by consenting to the search of his trunk, has agreed to the *breaking open of a locked briefcase* within the trunk, but it is otherwise with respect to a closed paper bag." The Fourth DCA stated that the search of key boxes was objectively reasonable under the circumstances.

Note: See also the Fifth DCA's August opinion in Allen v St holding that an officer need not have probable cause to examine the contents of a closed Chapstick container found on a defendant's person, where the defendant has given general consent to search his person and made no attempt to limit the search or withdraw that consent after it was given.

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**AGGRAVATED FLEEING-not!**

Hobson participated in a robbery of a convenience store by serving as the "get-away driver."

After leaving the scene of the robbery, Hobson began to drive erratically and at a high rate of speed as a law enforcement officer pursued him with lights and sirens activated. During the course of the pursuit, Hobson struck

a car. After striking the car, he continued to flee the officer. Hobson was caught when his car stalled in a field.

The State charged Hobson with Aggravated Fleeing in violation of Ch 316.1935(4) that provides, in relevant part: Any person who, in the course of unlawfully leaving or attempting to leave the scene of a crash... having knowledge of an order to stop by a duly authorized law enforcement officer: (a) willfully refuses or fails to stop in compliance with such an order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such officer; and (b) as a result of such fleeing or eluding, causes injury to another person or causes damage to any property belonging to another person commits aggravated fleeing or eluding.

The First DCA in Hobson v St reversed the conviction. The Court reasoned that law enforcement began its pursuit of the van driven by Hobson because Hobson and his co-defendant robbed a convenience store, not because Hobson left the scene of an accident involving injury, death or property damage. Further, there was no *further* property damage or injury after striking the car and continuing flight. Therefore, the elements of

Aggravated Fleeing were not proved.

**FOR COPIES OF CASES...**

For a copy of the complete text of any of the cases mentioned in this or an earlier issue of the Legal Bulletin, please call ASA Rose Mary Treadway at the SAO at 352-374-3672.

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**REMINDER: LEGAL BULLETIN NOW ON-LINE**

The Legal Bulletin is now available on-line, including old issues beginning with calendar year 2000. To access the Legal Bulletin go to the SAO website at [sawww.co.alachua.fl.us](http://sawww.co.alachua.fl.us) and click on the "legal bulletin" box. **An incorrect website was listed in January's newsletter.**

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**PARKING ALERT**

Law Enforcement officers are reminded to seek parking spaces in those areas designated for "Law Enforcement Only" at the Gainesville SAO, in order to free up other spaces for visitors.

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