

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO: 2011-CA-2150-O
WRIT NO.: 11-17

PHILIP PAGE,

Appellant,

vs.

STATE OF FLORIDA DEPARTMENT
OF HIGHWAY SAFETY AND
MOTOR VEHICLES, BUREAU OF
DRIVER IMPROVEMENT

Appellee.

_____ /

Petition for Writ of Certiorari
from the Florida Department of
Highway Safety and Motor Vehicles,
L. Labbe, Hearing Officer.

Stuart I. Hyman, Esquire,
for Petitioner.

Richard M. Coln, Assistant General Counsel,
for Respondent.

Before POWELL, J. RODRIGUEZ, and G. ADAMS, J.J.

PER CURIAM.

FINAL ORDER DENYING PETITION FOR WRIT OF CERTIORARI

Petitioner Philip Page appeals by way of Petition for Writ of Certiorari the final order of a hearing officer suspending his driver's license after formal hearing. We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320, and deny his petition.

After a careful review of the transcript of the hearing and the sworn arrest report, we find that the testimony of Maitland Officer Van Hook established that she followed Petitioner who

was driving without his headlights on into the City of Maitland where she turned on her flashing lights, stopped Petitioner and issued him a traffic citation. His headlights were still off at the time he pulled over and halted his vehicle within the City limits. Given the indicia of alcohol impairment which she observed – (1) the dangerous driving without headlights at approximately 3:19 a.m.; (2) his red, glassy eyes; (3) a strong odor of alcohol emanating from his breath – she had reasonable suspicion to detain him for a DUI investigation. While speaking with him, she noticed that Petitioner occasionally stammered and was unable to recall where he had been earlier that evening. He refused to perform field sobriety exercises. She then placed him under arrest for DUI.

Based on the foregoing, we conclude there was substantial competent evidence to support the hearing officer’s finding that the stop was lawful, the investigative detention was reasonable, and the arrest was based on sufficient probable cause. *See State, Dept. of Highway Safety & Motor Vehicles, Div. of Driver Licenses v. Possati*, 866 So. 2d 737 (Fla. 3d DCA 2004); *Boston v. Dept. of Highway Safety & Motor Vehicles, Div. of Driver Licenses*, 12 Fla. L. Weekly 1109a (Fla. 4th Cir.Ct. Sept. 27, 2005).

Consequently, the Petition for Writ of Certiorari is **DENIED**.

DONE AND ORDERED at Orlando, Florida this 14th day of March, 2013.

/S/

ROM W. POWELL
Senior Judge

/S/

JOSE R. RODRIGUEZ
Circuit Judge

/S/

GAIL A. ADAMS
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order was furnished on this 14th day of March, 2013, to the following: **Stuart I. Hyman, Esq.**, 1520 E. Amelia St., Orlando, FL 32803 and **Richard M. Coln, Assistant General Counsel**, Department of Highway Safety and Motor Vehicles, P.O. Box 570066, Orlando, FL 32857.

/S/ _____
Judicial Assistant