

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

CHRISTOPHER LEE LADD,

Appellant,
vs.

CASE NO: 2010-AP-47
Lower Court Case No: 2010-CT-3900

STATE OF FLORIDA,

Appellee.
_____ /

Appeal from the County Court,
for Orange County, Florida,
Faye Allen, County Court Judge

Matthew A. Leibert, Esq.,
for Appellant

Lawson Lamar, State Attorney and
David H. Margolis, Assistant State Attorney,
for Appellee

Before POWELL, O’KANE, and MIHOK, J.J.

PER CURIAM.

FINAL ORDER AFFIRMING TRIAL COURT

Appellant Ladd appeals the denial of his pretrial motion to suppress after entry of a conditional nolo contendere plea and a stipulation of dispositiveness. We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320, and affirm.

Appellant argues that the stop of his vehicle was unreasonable and unlawful. The record establishes the following facts which can be summarized as follows. Michael Perrin¹, the only

¹ We reject Appellant’s contention that Perrin was only an “employee” or “agent” of the Sheriff’s Office and not a law enforcement officer who had authority to take the action he did. Appellant referred to Perrin in his motion as a “deputy sheriff; 7 times in his Statement of Judicial Acts to be Reviewed as a “police officer”, and once in his cross-examination as “deputy”. The trial judge referred to Perrin in her findings on the record as “Deputy Perrin” and “the deputy”.

witness at the motion hearing, testified he was employed by the Orange County Sheriff's Office and was on patrol at approximately 2:30 A.M. when he was radio-dispatched to "a man down" in a Walt Disney parking lot. The lot had closed at 6:30 A.M. Upon his arrival several Disney security men pointed out a parked car which was "running" its windows rolled up with its radio "blaring". When Perrin approached he observed a man behind the wheel who appeared to be "asleep or dead". He began "banging on the window". The man remained unresponsive. Meanwhile a fire-rescue squad had arrived. Deputy Perrin opened the driver's door, and "they removed Appellant from the vehicle".

We conclude that, based on the totality of the circumstances, the stop and seizure of Appellant (by removing him from the vehicle) was constitutionally reasonable and lawful based upon the emergency aid exception of the Community Care-Taking Doctrine. *See Vitale v. State*, 946 So. 2d 1220 (Fla.4th DCA 2007); *Sweetman v. State*, 13 Fla. Law Weekly Supp. 865a (Fla. 17th Cir. Ct. May 31, 2006); *Story v. Dep't of Highway Safety & Motor Vehicles*, 13 Fla. Law Weekly Supp. 1129a, (Fla. 4th Cir. Ct. Sept. 14, 2006); *Torcios v. State*, 15 Fla. Law Weekly 323a (Fla. 11th Cir. Ct. Feb. 14, 2008); *State v. Ponce*, 17 Fla. Law Weekly Supp. 1227a, (Fla.2nd Cir. Ct. Aug. 6, 2010).

AFFIRMED.

DONE AND ORDERED at Orlando, Florida this 11th day of January, 2013.

/S/ _____
ROM W. POWELL
Senior Judge

/S/ _____
JULIE H. O'KANE
Circuit Judge

/S/ _____
A. THOMAS MIHOK
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing order was furnished to **Matthew A. Leibert, Esq.**, 112 E. Concord Street, Orlando, Florida 32801; **Dugald McMillian, Assistant State Attorney**, 415 N. Orange Avenue, Ste. 200, Orlando, Florida 32802-1673; and **Honorable Faye Allen**, 425 N. Orange Avenue, Orlando, Florida 32801, by mail, this 11th day of January, 2013.

/S/

Judicial Assistant