

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

STATE OF FLORIDA,

APPELLATE CASE NO: 2013-AP-3-A-O

Lower Case No.: 2012-CT-1773-A-W

Appellant,

vs.

JEFFREY STEVEN JONES,

Appellee.

_____ /

Appeal from the County Court
for Orange County, Florida
A. James Craner, County Court Judge

Jeffrey L. Ashton, State Attorney
and Syed M. Qadri, Assistant State Attorney
for Appellant

Stuart I. Hyman, Esq.
for Appellee

Before LATIMORE, J. RODRIGUEZ, SHEA, J.J.

PER CURIAM.

FINAL ORDER REVERSING TRIAL COURT

The State appeals the trial court's order granting Appellee's motion to suppress. The court found the State did not provide admissible evidence to support the traffic stop that resulted in Appellee's arrest.

An officer need only have "a reasonable, articulable suspicion" of criminal activity to initiate a traffic stop, not definitive proof of a crime. *G.M. v. State*, 19 So. 3d 973, 977 (Fla. 2009). Officer German testified at the suppression hearing that he noticed that the sticker on

Appellee's license tag was out of date. He personally observed on September 24, 2012, that Appellee was driving a car with a tag sticker indicating it expired in March 2012. This was all that was necessary to create reasonable suspicion. It was not necessary for the officer to verify the information through his computer system to establish reasonable suspicion; his observation of the out-of-date sticker was sufficient, providing the court found his testimony credible. *Palmer v. State*, 753 So. 2d 679 (Fla. 2d DCA 2000); *Ellis v. State*, 935 So. 2d 29, 32 (Fla. 2d DCA 2006). As the court made no indication that it did not find German credible, the officer's testimony established that he acted lawfully in stopping the car to check the tag.

Probable cause to arrest is a higher standard than reasonable suspicion. It "exists where the totality of the facts known to the officer at the time would cause a reasonable person to believe that an offense has been committed." *State v. Hebert*, 8 So. 3d 393, 395 (Fla. 4th DCA 2009). The State was not required to prove at the suppression hearing that an offense actually occurred, *State v. Catt*, 839 So. 2d 757, 759 (Fla. 2d DCA 2003), but only needed to demonstrate that, based on a totality of the circumstances, the officer had probable cause to believe the arrestee committed an offense. *State v. Hankerson*, 65 So. 3d 502, 506 (Fla. 2011)

German testified that when he ran Appellee's driver's license through his computer data base, it indicated that the license was suspended and he arrested Appellee on the charge of driving while license suspended, with knowledge. Where a driver is lawfully stopped, police may detain him long enough to run a computer check and may arrest him based on the information that the computer reveals. *State v. Baez*, 894 So. 2d 115, 116 (Fla. 2004); *Whitfield v. State*, 33 So. 3d 787, 790 (Fla. 5th DCA 2010).

German's testimony regarding the information he received from the computer system was not inadmissible hearsay at the suppression hearing. It was not being offered to prove the

truth of the matter asserted but to demonstrate what information German had when making the arrest. *State v. Littles*, 68 So. 3d 976, 978 (Fla. 5th DCA 2011). “An officer can testify in a suppression hearing as to his own knowledge and information received from other reliable sources, such as fellow officers,” (*Carter v. State*, 120 So. 3d 207, 209 (Fla. 5th DCA 2013)), or in this case, from a law enforcement or state computer data base. The State demonstrated through admissible evidence that the officer had probable cause to arrest Appellee for driving on a suspended license.

Although the State did not need to attempt to introduce a certified copy of Appellee’s driving record to establish either reasonable suspicion or probable cause, the record should have been admitted as a statutorily recognized exception to the hearsay rule; it is not testimonial or accusatorial in nature, but merely “represents the objective result of a public records search.” *Card v. State*, 927 So. 2d 200, 203 (Fla. 5th DCA 2006).

The trial court erred in granting the motion to suppress. The matter is therefore REVERSED and REMANDED for further proceedings in accordance with this decision.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 9th day of April, 2014.

/S/
ALICIA L. LATIMORE
CIRCUIT COURT JUDGE

J. RODRIGUEZ and SHEA, J.J., concur.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing order was furnished to **Syed M. Qadri,, Assistant State Attorney**, 415 N. Orange Avenue, Ste. 300, Orlando, Florida 32802; and to **Stuart I. Hyman, Esq.,** Stuart I. Hyman, P.A., 1520 E. Amelia Street, Orlando, Florida 32801 this 10th day of April, 2014.

/S/ _____
Judicial Assistant