

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

APPELLATE CASE NO: 2016-AP-000030-A-O  
LOWER CASE NO.: 2016-CT-007725-A-O

ALICIA SHANITA NORWOOD,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_/

Appeal from the County Court for Orange County, Florida,  
Deb Blechman, County Court Judge

Christopher R. Kaigle, Esquire, for Appellant

Aramis D. Ayala, State Attorney,  
Leighton Zhong, Assistant State Attorney, for Appellee

Before White, Rodriguez, Latimore, J.J.

**ORDER**

Alicia Shanita Norwood (“Appellant”) appeals the denial of her dispositive motion to suppress. This court has jurisdiction pursuant to Florida Rule of Appellate Procedure 9.030(c)(1).

On August 21, 2015, Florida Highway Patrol Trooper Suaib Moonda was coming to a stop at the intersection of South Street and Division Street in Orlando. He noticed Appellant’s red Ford was stopped at the red traffic light, past the white stop bar. The front tires were on the marked crosswalk and the rear tires were on the stop bar. Trooper Moonda was directly behind Appellant’s car. There is a traffic light at the intersection of South Street and Division Street. There is no stop sign at the intersection. Appellant testified that her car did not enter the crosswalk. After the initial stop, Appellant was asked to perform

field sobriety tests, and was subsequently arrested for driving under the influence and received a citation for violation of a traffic control device.

The only issue at the motion to suppress hearing was whether the initial stop was legal and which section of Chapter 316, Florida Statutes, was applicable. The defense argued that section 316.075(1)(c), Florida Statutes (2016) governed since there was a traffic light at the intersection in question. The State argued that section 316.123(2)(a), Florida Statutes, which requires a driver to stop at the stop line is applicable regardless of the presence of a traffic light. The relevant statutes provide as follows:

316.075(1)(c) Steady red indication.—

1. Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown; however:
  - a. The driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience to a steady red signal may make a right turn...

316.123 Vehicle entering stop or yield intersection.—

- (2)(a) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

The argument advanced by Appellant is that because she was stopped at a red traffic light, rather than a stop sign, section 316.075(1)(c), Florida Statutes, applies. Therefore, Appellant was not required to stop at the stop bar, but only to stop before entering the crosswalk. In *Catlett v. State*, Fla. L. Weekly Supp. 1168a, (Fla. Volusia County Ct. 2009) the Court held that the clear language of section 316.075(1)(c)(1), Florida Statutes, requires a driver faced with a red light to stop before entering the

crosswalk, not at the stop bar on the road. Catlett was charged with violating section 316.074(1) which provides:

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

The court noted, “It is clear that this statute does not mandate that every traffic control marking be obeyed at all times (e.g., one would not approach a green light and yet stop at the white “stop line”). Rather, the court held that drivers are required only to obey the applicable traffic control device. Since the defendant in that instance was stopped at a red traffic light, the court held that section 316.075(1)(c)(1), Florida Statutes was applicable. Thus, since he stopped before entering the crosswalk, Catlett did not violate section 316.074(a), Florida Statutes.

Appellant also directs the court’s attention to *U.S. v. Mills*, 2010 WL 2508860, at \*4 (M.D. Fla. June 17, 2010), in which the court notes, in footnote 5:

Fla. Stat. § 317.075. A literal reading of the statute therefore requires the vehicle to stop behind the crosswalk (not the stop bar), unless turning right. In that event, the vehicle arguably must stop behind the stop bar in accordance with (1)(c)a. (nothing in the statute, however, clearly prohibits a failure to stop behind the stop bar when turning right on red—that requirement is simply a part of the exception, which a vehicle “may” do). Although ambiguous, the Court finds, as discussed further, *infra*, that Defendant violated the statute.

Although the State correctly argues that *Catlett* is not binding upon this court, we nevertheless agree with the Volusia Court’s reasoning and ruling, and hold that section 316.075(1)(c)(1), Florida Statutes was the applicable statute in this instance.

However, it is a longstanding principle that where the trial court reaches the right result for the wrong reasons, its decision will be upheld on appeal if the record provides a basis that would support the ruling. *Webster v. Body Dynamics, Inc.* 27 So. 3d 805, 809 (Fla. 1st DCA 2010); *Black v. State*, 41 So. 3d 423, 424 (Fla. 1st DCA 2010). In the instant case, there was testimony that would support the court’s

ruling. The officer testified that Appellant's front tires were in the crosswalk. The dashcam video does not dispute that testimony.

Based on the foregoing, it is hereby **ORDERED AND ADJUDGED** that the Final Judgment and Sentence is **AFFIRMED**.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on this \_\_\_\_\_ day of October, 2017.

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**Jose Rodriguez**  
**Circuit Court Judge**

**Latimore, J. concurs,**  
**White, J. concurs in result only.**

**Certificate of Service**

I HEREBY CERTIFY that a copy of the foregoing Order has been provided to Christopher R. Kaigle, Esquire, The Kaigle Law Firm, 37 N. Orange Avenue, Suite 1100, Orlando, Florida 32801, to **Leighton Zhong**, Assistant State Attorney, 415 North Orange Avenue, Orlando, Florida 32801, and to **The Honorable Deb Blechman**, 425 North Orange Avenue, Orlando, FL 32801 this \_\_\_\_\_ day of October, 2017.

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Judicial Assistant