

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-1865
LT Case No. 2023-MM-001267-A

ROBERT WILLIAM HOLLIDAY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the County Court for Clay County.
Raymond Edward Forbess, Jr., Judge.

Charlie Cofer, Public Defender, and Elizabeth Hogan Webb,
Assistant Public Defender, Jacksonville, for Appellant.

James Uthmeier, Attorney General, and Kristie Regan, Assistant
Attorney General, Tallahassee, for Appellee.

October 2, 2026

MAKAR, J.

This case involves the immediate seizure of a man who matched the description of a potential burglary suspect provided in a 911 call. The question presented is whether the police officers' detention was lawful based solely on the description the caller provided.

I.

In August 2023, an apartment dweller called 911 just before 5:00 a.m. to report that someone had attempted to turn the knob on her apartment door. She described him as a black male with dreads, wearing a black t-shirt and red pants.¹ During the 911 call, she told the dispatcher that she was currently viewing him through her Ring doorbell camera and that he was “still trying to get in.”

Law enforcement promptly responded to what dispatch had described as a burglary in progress. Upon their arrival, they encountered Robert William Holliday, whose dreads and attire matched the 911-caller’s description.² Holliday initiated contact with the officers by walking towards them. He was not running, breathing hard, or sweating, and he was not carrying any tools that would indicate he was attempting to commit a burglary. Oliver’s only unusual feature—that was not described in the 911 call—was two large snakes (a boa constrictor and a ball python) draped around his neck and shoulders.

Three or four law enforcement officers “circled” Holliday and asked him what he was doing. Holliday explained that he was taking his snakes for a walk to the pond located on the apartment complex grounds.³ The officers told Holliday that they were

¹ One of the officers confirmed that this was the extent of the description; the caller did not provide information about the suspect’s height, weight, age, complexion of the skin, or length of the dreads.

² The officers encountered Holliday “in the middle buildings” of the apartment complex, and the police report notes that he lived on “the other side of the apartment complex in building 11.”

³ Holliday testified that he “normally” walks his snakes in a figure-eight pattern around the apartment complex, where he had lived for approximately seven years. He does so to provide them with fresh air and socialization with humans so he can educate kids and others with how to deal with snakes.

investigating a burglary, that he matched the description in the dispatch, and—importantly—that he was not free to leave.

After officers detained Holliday, the encounter quickly turned ugly. Holliday responded that he “didn’t do shit,” told the officers to “fuck off” and “fuck their investigation,” and attempted to walk away.⁴ According to the officers’ testimony, Holliday attempted to push past one of the officers, Deputy Carbone, who in turn grabbed Holliday in an attempt to physically detain him. Officers testified that Holliday resisted Deputy Carbone’s attempt at physical restraint and continued walking away, at which point Deputy Carbone pulled out his taser, “red dotted” Holliday, and ultimately tased him.⁵ The entire encounter lasted only five minutes and thirty-six seconds.

According to the police report, after Holliday was tased and medically evaluated by Clay County rescue, he told officers to check the Ring camera footage to see that he was “just walking” and doing nothing wrong. Holliday was then Mirandized, handcuffed, and placed in the back of one of the police vehicles. The officers continued their burglary investigation by talking with both Holliday and the 911 caller, who provided two partial videos of the Ring doorbell camera footage, which did not show Holliday touching the doorknob.⁶ Detective McQueen confirmed that the

⁴ The officers testified that Holliday refused to identify himself “multiple times,” whereas Holliday testified that he “absolutely” identified himself.

⁵ Holliday, who is a disabled veteran, testified that one of his snakes was tased. Both wriggled into underbrush where officers testified they were “detained,” placed in a bag, and put in Holliday’s apartment.

⁶ Detective McQueen testified that the videos were “cut,” meaning that the 911 caller gave them a cropped portion of the video rather than the complete footage. He appeared to suggest that the cropped videos, which were submitted as evidence in the bench trial below and are part of the record on appeal, were

officers had not viewed the Ring doorbell footage prior to their encounter with Holliday.

Holliday was arrested for one count of resisting an officer without violence and loitering or prowling; he was subsequently charged by information with two counts of resisting without violence and one count of loitering or prowling. He was neither arrested nor charged with attempted burglary.⁷

The trial court held a bench trial in June 2024. After the State rested, Holliday moved for judgment of acquittal on the resisting charges, which the trial court took under advisement. After the defense rested, it renewed its motion.⁸ The trial court found that “there [was] no question” that “this was an investigatory stop,” but denied Holliday’s motion, reasoning that the investigatory stop was “well-founded” and that the “intrusion into [Holliday’s] life . . . was not unreasonable with . . . the information [the officers] had at the time.” The trial court found Holliday guilty of the resisting charges, withheld adjudication, and imposed court costs.⁹ This appeal followed.

incomplete. The footage available to both this Court and the lower court, however, does not show Holliday touching the 911-caller’s doorknob.

⁷ The trial court noted that “[u]ltimately, it played out that [Holliday] did not commit a burglary after [the officers] investigated everything,” but further noted that the information the officers gleaned “after the fact doesn’t come into play” in a reasonable suspicion analysis.

⁸ The state declined to proceed on the loitering and prowling charge.

⁹ During the pendency of this appeal, Holliday filed a motion to correct sentencing error in the trial court to strike prosecution fees that were not requested at the time of sentencing. The trial court granted the motion and subsequently entered an amended judgment and sentence striking the previously imposed \$50 cost of prosecution.

II.

A trial court's denial of a motion for judgment of acquittal is reviewed de novo. *Sutton v. State*, 834 So. 2d 332, 334 (Fla. 5th DCA 2003). A motion for judgment of acquittal is properly denied if the state presents competent evidence establishing each element of the offense. *Id.*

“To establish the offense of resisting an officer without violence, the State must prove two elements: (1) the officer was engaged in the lawful execution of a legal duty and (2) the defendant's action constituted obstruction or resistance of that lawful duty.” *Tellam v. State*, 373 So. 3d 345, 347 (Fla. 4th DCA 2023) (citation modified); see § 843.02, Fla. Stat. (2026). In determining whether an officer was lawfully executing a legal duty, Florida appellate courts “must apply the legal standards governing the duty undertaken by the law enforcement officer at the time of the defendant's resistance—including the Fourth Amendment and any other relevant requirements of law.” *I.K. v. State*, 257 So. 3d 1163, 1165 (Fla. 2d DCA 2018) (citation modified).

An investigatory detention is a seizure under the Fourth Amendment. See *Terry v. Ohio*, 392 U.S. 1, 16 (1968) (“[W]henever a police officer accosts an individual and restrains his freedom to walk away, he has ‘seized’ that person.”). To justify even a brief investigatory detention, law enforcement officers “must have a well-founded, articulable suspicion that a person has committed, is committing, or is about to commit a crime.” *Fields v. State*, 292 So. 3d 889, 893 (Fla. 2d DCA 2020) (quoting *Thomasset v. State*, 761 So. 2d 383, 385 (Fla. 2d DCA 2000)).

In evaluating the lawful execution of a legal duty element, “it is important to distinguish between a police officer in the lawful execution of any legal duty and a police officer who is merely on the job.” *Lu Jing v. State*, 316 So. 3d 724, 730 (Fla. 4th DCA 2021) (citation modified). When an officer conducts a legal investigative stop, this element is satisfied. *Id.* Conversely, when the investigative stop is unlawful, the element is not satisfied. See *Hussey v. State*, 971 So. 2d 936, 938 (Fla. 3d DCA 2007) (noting that an officer was, “as a matter of law, not engaged in the lawful ‘performance’ or ‘execution’ of a legal duty” when he conducted a

Terry stop without adequate reasonable suspicion); *B.M. v. State*, 212 So. 3d 526, 530 (Fla. 2d DCA 2017) (“[T]he detective did not articulate a reasonable and well-founded suspicion that B.M. had committed a crime so as to conduct an investigatory stop. Accordingly, B.M. did not violate section 843.02 by defying the detective’s order to stop.”); *D.L. v. State*, 87 So. 3d 824, 825 (Fla. 2d DCA 2012) (noting that the State “failed to present sufficient evidence to show that the officers had a reasonable suspicion that D.L. was trespassing and thus failed to show that the officers were engaged in the lawful execution of their duties when they detained him to investigate that charge” (citations omitted)).

The officers must have a reasonable suspicion of the alleged criminality, which “is dependent upon both the content of information possessed by police and its degree of reliability. Both factors—quantity and quality—are considered in the totality of the circumstances—the whole picture, that must be taken into account when evaluating whether there is reasonable suspicion.” *Cooks v. State*, 28 So. 3d 147, 149 (Fla. 1st DCA 2010) (citation modified). In sum, to “warrant an investigatory stop, the law requires not just a mere suspicion of criminal activity, but a reasonable, well-founded one” under the totality of the circumstances. *State v. Teamer*, 151 So. 3d 421, 426 (Fla. 2014). If officers do not have a reasonable suspicion of criminal activity, “the individual has a right to ignore the police and go about his business.” *Fields*, 292 So. 3d at 895 (quoting *T.P. v. State*, 224 So. 3d 792, 794 (Fla. 2d DCA 2017)).

When a “citizen informant”—rather than an anonymous tipster—alleges illegal activity, that information “falls at a higher end of the reliability scale.” *Baptiste v. State*, 995 So. 2d 285, 291 (Fla. 2008).¹⁰ The citizen informant’s “tip must be reliable not only

¹⁰ However, *Baptiste*, noted that a citizen informant who “approaches the police in person to report criminal activity” carries higher weight than an anonymous informant for four reasons: (1) the citizen is motivated by furthering justice, (2) he may be held accountable for false statements, (3) a “face-to-face tip” gives the officers “the opportunity to observe the demeanor and evaluate the credibility” of the informant, and (4) an informant who approaches the police in person subjects himself to reprisal from the

in its description of the subject, but also ‘in its assertion of illegality.’” *Cooks*, 28 So. 3d at 149 (quoting *Florida v. J.L.*, 529 U.S. 266, 272 (2000)). Moreover, “if a tip has a relatively low degree of reliability, more information will be required to establish the requisite quantum of suspicion than would be required if the tip were more reliable.” *Baptiste*, 995 So. 2d at 291 (quoting *Alabama v. White*, 496 U.S. 325, 330 (1990)).

In Holliday’s case, as noted by the trial court, there is no question that he was detained by law enforcement when they immediately encircled him and told him he was not free to leave. The outcome of this case, therefore, hinges on whether they had the requisite reasonable suspicion of criminal activity to detain him.

The articulated basis for reasonable suspicion in this case is that Holliday matched the description provided by the 911 caller. By one officer’s own admission, the officers had “no other information besides [the dispatch] saying black male, dreads, red shorts, black shirt.” At the time Holliday encountered the officers, which was only five minutes from the time the call was received, it was apparent that he was not engaged in a burglary. Holliday immediately and willingly approached the officers; he did not appear nervous, had no burglary tools or pilfered goods on him, and, significantly, had two snakes wrapped around his shoulders—which are apparent in the Ring footage, but were unreported by the 911 caller.¹¹

defendant. *Baptiste v. State*, 995 So. 2d 285, 291 (Fla. 2008) (emphasis added). While subsequent Florida appellate decisions have applied *Baptiste* to citizen informants who *call* the police—see *Peterson v. State*, 264 So. 3d 1183 (Fla. 2d DCA 2019); *Fields v. State*, 292 So. 3d 889 (Fla. 2d DCA 2020)—the “face-to-face” rationale of *Baptiste*, arguably the most important factor, is defeated when a citizen calls rather than approaches police.

¹¹ The presence of the snakes would arguably create doubt in a reasonable person’s mind that Holliday had attempted a burglary. Detective McQueen testified that he had never seen a burglary suspect accompanied by his pets. The snakes were

In this case, the officers did not engage in *any* fact-finding prior to detaining Holliday. Holliday did not appear nervous, approached law enforcement of his own volition, and presented no indication that he had just attempted a burglary or was engaging in criminal conduct. Under these circumstances, the 911 call—on its own—did not form a reasonable suspicion to detain Holliday.

This case is akin to *R.E. v. State*, 536 So. 2d 1125 (Fla. 1st DCA 1988), which likewise involved a citizen informant phoning the police to report a suspected drug transaction between the occupants of two cars. A police officer later stopped one of the vehicles the caller identified “on the basis of the message he had received,” even though “there was nothing to arouse suspicion and the driver was obeying the traffic laws.” *Id.* at 1126–27. The First District held that the police improperly stopped the car, writing that:

[T]he instant case involves a *citizen’s claim of suspicious activity that has a minimal objective basis and, except for innocent details of identification, is uncorroborated by law enforcement’s subsequent observations*. Corroboration of nothing more than innocent details of identification (e.g., a license plate number) assists the state in making the required showing that the information was sufficiently detailed to single out the suspect. *It does not, however, create or support a suspicion that crime is afoot, which is essential if a report of generalized, allegedly suspicious activity is to justify a stop*. The absence of this suspicion is fatal to the state’s position and the trial court’s ruling.

Id. at 1128 (emphases added). Here, the officers had no more than the apartment caller’s uncorroborated claim of “generalized, allegedly suspicious activity” when they seized Holliday and told him he was not free to leave. At most, the officers had corroborated

wrapped around his neck and shoulders, which would add an unnecessary challenge to even the most experienced burglar.

only the innocent descriptive details of Holliday’s identification, which falls short of what is legally required to seize and detain an individual.

III.

In conclusion, the officers in this case corroborated nothing more than the innocent details of identification that matched Holliday’s appearance (other than the two snakes, which the caller did not mention). The officers were entitled to attempt to question Holliday, but not to detain or physically seize him. Absent corroborating evidence of criminality, the caller’s information amounted to a “mere hunch,” which is not sufficient to justify even a brief detention. *Fields*, 292 So. 3d at 895. Because the “trial court erred when it failed to grant a judgment of acquittal on the charge[s] of resisting without violence,” Holliday’s convictions for those charges are reversed and, on remand, Holliday is entitled to the entry of a judgment of acquittal. *Espiet v. State*, 797 So. 2d 598, 603 (Fla. 5th DCA 2001) (“Viewing the evidence and all reasonable inferences drawn therefrom in the light most favorable to the State, we conclude that the State failed to present competent sufficient evidence that the officers were engaged in the lawful performance of their duties.”).

REVERSED and REMANDED with Instructions.

WALLIS and EDWARDS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
