

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2025-0497

DEMARCUS JOHNQUEZ SMITH,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Okaloosa County.
Lacey P. Clark, Judge.

September 23, 2026

LONG, J.

Appellant, Demarcus Johnquez Smith, argues that the trial court improperly denied his motion to suppress because the smell of burnt cannabis coming from inside his vehicle could not provide probable cause for law enforcement to search his vehicle. This argument is without merit. It is unlawful to smoke cannabis, even “medical marijuana,” inside of a vehicle. *See* § 381.986(1)(k)(5)f., Fla. Stat. We note, nevertheless, that the law enforcement officers who searched the vehicle had a wealth of other evidence, including: (1) Appellant’s nonanswer to being asked whether he had a medical marijuana license combined with his admission that he had marijuana in the vehicle, (2) Appellant’s apparent shock at the initial officer’s approach, (3) Appellant’s presence in an area known for frequent narcotics crimes, and (4) Appellant’s persistent

efforts to prevent law enforcement from discovering the contents of a cellophane baggy that he had in his hand, including stomping on the baggy after dropping it on the ground. *See, e.g., State v. Simpson*, 414 So. 3d 291, 297–98 (Fla. 6th DCA 2025) (finding that the smell of marijuana was enough to establish probable cause given that the marijuana was smelled in an area that was well-known for illicit drug activity). We find that the trial court did not err in concluding that the law enforcement officers had probable cause for the search.

Appellant also generally challenges the legality of his initial detention, which preceded some of the acts listed above. But Appellant’s brief only addresses probable cause and neglects any argument regarding the reasonable suspicion that is required for an investigatory detention. *See Ikner v. State*, 756 So. 2d 1116, 1118 (Fla. 1st DCA 2000). Accordingly, Appellant fails to demonstrate that the initial detention—which ultimately led to the search—was unlawful.

AFFIRMED.

OSTERHAUS, C.J., and KELSEY, J., concur.

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

Jessica J. Yeary, Public Defender, and Tyler K. Payne, Assistant Public Defender, Tallahassee, for Appellant.

James Uthmeier, Attorney General, and Miranda Lee Butson, Assistant Attorney General, Tallahassee, for Appellee.