

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2024-0383

MATTHEW PAUL BEECHER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Bay County.
Shonna Young Gay, Judge.

December 18, 2024

B.L. THOMAS, J.

Appellant seeks review of the denial of a motion to suppress evidence obtained after a dog sniff of the vehicle he was driving. Because we find that the traffic stop was unlawfully extended, we reverse.

Appellant was driving a vehicle that a police officer assigned to the narcotics division observed stopping at a residence that had previously been the subject of an unrelated search warrant involving suspected drug activity. The passenger in the vehicle was the vehicle's registered owner. The officer followed Appellant's vehicle for a short time, during which he ran a check on the vehicle's tag and learned that the vehicle's registration was valid.

The officer then observed Appellant speeding and littering and performed a traffic stop.

The officer testified at the suppression hearing that he initiated the traffic stop at 2:27 p.m. and that by 2:32 p.m., he had learned that Appellant had a valid license and that neither of the vehicle's occupants had active warrants. This timeline was supported by the CAD report generated by police dispatch. The CAD report indicated that the canine unit arrived around 2:44 p.m.* and the arrest was made shortly thereafter. The officer who initiated the traffic stop also testified that the canine unit arrived around 2:40 p.m. There was no evidence that additional activities furthering the lawful purpose of the traffic stop took place after 2:32 p.m. The officer testified that he might have been writing a citation during this time or he might not have been. No citation was ever issued.

In reviewing the denial of a motion to suppress, the appellate court generally “defer[s] to the trial court’s findings of fact if supported by competent, substantial evidence, but review[s] de novo the application of the law to those facts.” *Channel v. State*, 257 So. 3d 1228, 1232 (Fla. 1st DCA 2018).

“[A] traffic stop may last no longer than necessary for an officer to address the traffic violation that warranted the stop and attend to related safety concerns.” *Cowart-Darling v. State*, 256 So. 3d 250, 252 (Fla. 1st DCA 2018) (citing *Rodriguez v. United States*, 575 U.S. 348, 354 (2015)). “A stop may last long enough for an officer to check drivers’ licenses, search for outstanding warrants, and inspect registrations and proofs of insurance,” but it “may not be prolonged to conduct a dog sniff without reasonable suspicion of criminal activity.” 256 So. 3d at 252. As the U.S. Supreme Court has explained:

* Appellant introduced evidence at the suppression hearing that, he argued, showed that the canine unit arrived even later, but our analysis is the same based on the State’s timeline that the canine unit arrived around 2:40 or 2:44 p.m.

If an officer can complete traffic-based inquiries expeditiously, then that is the amount of “time reasonably required to complete [the stop's] mission.” *Caballes*, 543 U.S., at 407, 125 S.Ct. 834. As we said in *Caballes* and reiterate today, a traffic stop “prolonged beyond” that point is “unlawful.” *Ibid*. The critical question, then, is not whether the dog sniff occurs before or after the officer issues a ticket, . . . but whether conducting the sniff “prolongs”—*i.e.*, adds time to—“the stop,” *supra*, at 1615.

Rodriguez, 575 U.S. at 357.

Here, the officer’s testimony was equivocal and insufficient to meet the State’s burden to establish that the stop was not attenuated. He could not recall what he was doing during the time at issue once the license and warrant checks were completed. There was no competent, substantial evidence to support the trial court’s finding that the lawful purpose of the traffic stop was continuing when the canine officer arrived. Thus, the trial court erred in denying the motion to suppress.

REVERSED and REMANDED.

LEWIS and LONG, JJ., concur.

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

Luke Newman, Luke Newman, P.A., Tallahassee, for Appellant.

Ashley Moody, Attorney General, Amanda A. Uwaibi, Assistant Attorney General, Tallahassee, for Appellee.