

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2023-3200
Lower Tribunal No. 23-CT-500447

JERRY J. FERREIRA,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal from the County Court for Lee County.
Tara P. Paluck, Judge.

July 24, 2026

KAMOUTSAS, J.

After the denial of Appellant’s motion to suppress a traffic stop that led to his arrest and conviction for Driving While Under the Influence, Appellant entered into a no contest plea and sought to reserve his right to appeal the ruling on the suppression motion. However, the State did not stipulate that the suppression order was dispositive, nor did the trial court make such a finding. *See generally* Fla. R. App. Pro. 9.140(2)(a)(i) (“A defendant may not appeal from a guilty or nolo contendere plea except as follows: . . . (i) Reservation of Right to Appeal. A

defendant who pleads guilty or nolo contendere may expressly reserve the right to appeal a prior dispositive order of the lower tribunal, identifying with particularity the point of law being reserved.”). Although neither a ruling nor stipulation was secured as to the dispositive nature of the motion to suppress, since Appellant was charged with DUI, considering the facts of this case, the motion to suppress the stop was necessarily dispositive. *See generally Hawk v. State*, 848 So. 2d 475, 478 (5th DCA 2003) (“In the instant case, the State did not stipulate the suppression order was dispositive, and the trial court made no such finding. Regardless . . . under the facts of this case this court would not have held the lack of a finding of dispositiveness against Appellant.”). Having found no error in the denial of the motion to suppress, we affirm.

AFFIRMED.

MIZE and BROWNLEE, JJ., concur.

Blair Allen, Public Defender, and Joanna Beth Conner, Assistant Public Defender, Bartow, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Helene S. Parnes, Senior Assistant Attorney General, and James Hellickson, Assistant Attorney General, Tampa, for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED