

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 16-2014-CT- [REDACTED]

vs.

A [REDACTED] C [REDACTED]
Defendant.

MOTION TO SUPPRESS EVIDENCE

Defendant, [REDACTED] by and through the undersigned attorney and pursuant to Rules 3.190(g) and 3.190(h), Florida Rules of Criminal Procedure, hereby moves this Honorable Court for an Order suppressing certain evidence in the above-styled cause. As grounds for this Motion, Defendant states as follows:

EVIDENCE TO BE SUPPRESSED

Any and all evidence obtained as a result of the traffic stop of Defendant on or about May 22, 2014. This includes, but is not limited to, evidence of Defendant's identity and evidence of Defendant's alleged driving.

GROUND FOR SUPPRESSION

1. The evidence was illegally seized as a result of an unlawful law enforcement activity, to-wit: an unlawful seizure of Defendant and/or a vehicle allegedly driven by Defendant in violation of the Fourth and Fourteenth Amendments to the United States Constitution and Article I, Section 9 and 12 of the Constitution of the State of Florida.
2. The evidence was obtained in violation of Defendant's right to privacy guaranteed by Article I, Section 23, of the Constitution of the State of Florida.
3. The evidence is the tainted "fruit of the poisonous tree," having been obtained only as a result of an illegal seizure.

FACTUAL BASIS

On or about May 22, 2014, Sergeant D.J. Kamppi of the Neptune Beach Police Department conducted a traffic stop of a motor vehicle allegedly driven by Defendant near the 600 block of Atlantic Boulevard in Neptune Beach, Duval County, Florida. Upon information and belief, the stop occurred after a check of Sergeant Kamppi's Driving and Vehicle Information Database (D.A.V.I.D.) indicated that the registered owner of the subject vehicle had a suspended, revoked, cancelled, or otherwise invalid license. The registered owner is [REDACTED], a male, age 37, who is 5'6" and 200 pounds. Defendant is a female, age 32, 5'3" and is approximately 120 pounds. Upon detaining Defendant for questioning and conducting a license check, Sergeant Kamppi issued to Defendant a citation for driving without a valid license, a violation of §322.03, Florida Statutes.

At all times material to the above-described incident, Sergeant Kamppi lacked the requisite probable cause or reasonable suspicion to detain Defendant or the vehicle allegedly driven by Defendant. Alternatively, Sergeant Kamppi prolonged the detention of Defendant or the vehicle allegedly driven by Defendant beyond the time permitted under applicable law. The evidence obtained in the instant case was therefore acquired as a result of an unlawful law enforcement activity, and must be suppressed under the Fourth Amendment exclusionary rule.

HUSSEIN & WEBBER, P.L.

/s/ Troy J. Webber

Troy J. Webber

Florida Bar No. 79105

twebber@husseinandwebber.com

Sarah S. Hussein

Florida Bar No.: 34974

shussein@husseinandwebber.com

630 West Adams Street, Suite 206

Jacksonville, Florida 32204

Tel: (904) 444-3952

Fax: (904) 458-8714

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the Office of the State Attorney, Jacksonville, Duval County, Florida by electronic mail and/or e-filing portal on this 3rd day of July, 2014.

HUSSEIN & WEBBER, P.L.

/s/ Troy J. Webber

Troy J. Webber

Florida Bar No. 79105

twebber@husseinandwebber.com

Sarah S. Hussein

Florida Bar No.: 34974

shussein@husseinandwebber.com

630 West Adams Street, Suite 206

Jacksonville, Florida 32204

Tel: (904) 444-3952

Fax: (904) 458-8714

Attorneys for Defendant