

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

Appellant,

vs.

JAMES CLINTON CROWL,

Appellee.

_____ /

Appeal from the County Court
for Orange County, Florida,
A. James Craner, County Court Judge

Jeff Ashton, State Attorney and
Syed M. Qadri, Assistant State Attorney,
for Appellant

Adam B. Reiss, Esquire,
for Appellee

Before Dawson, Turner, and Whitehead, J.J.

PER CURIAM.

**FINAL ORDER GRANTING MOTION FOR REHEARING AND
REVERSING THE TRIAL COURT**

The State appealed the trial court's order granting Appellee's motion to suppress the evidence resulting from a traffic stop. On June 23, 2014, this court issued an order *per curiam* affirming the trial court's suppression order. The State filed a timely motion for rehearing. The court now grants that motion and issues the following order:

At the suppression hearing held on January 7, 2013, Florida Highway Patrol Trooper Josh Evans testified that at approximately 1:26 a.m. on November 15, 2012, he was on patrol when he saw a car stopped at the intersection of Orange Blossom Trail and 17th Street. Trooper Evans

saw a woman about to get into the passenger side of the vehicle. Upon spotting Trooper Evans' vehicle, the woman closed the door and walked away. Given the area, the time of night, and his experience patrolling the area, Trooper Evans surmised that the woman was a prostitute.

As Trooper Evans approached it, the vehicle headed westbound on 17th Street. The trooper followed. The car stopped at a stop sign at the first intersection, with its front tires approximately a foot over the white stop bar on the ground. The vehicle and the trooper continued westbound on 17th Street. At the next intersection, the vehicle "proceeded almost an entire length – car length past the stop bar." Trooper Evans pulled the car over at this point. The driver was Appellee, Crowl. The trooper had Crowl perform field sobriety exercises and then arrested him for driving under the influence.

Defense counsel argued that there was no probable cause for Trooper Evans to stop Crowl's vehicle and that Crowl's performance on the field sobriety exercises did not constitute probable cause for arrest. Defense argued that despite the fact that the front tires of the vehicle were "over" the stop line, the rear tires were not. Thus, Crowl did in fact stop "at" the stop line. The State contended that the common sense meaning of the word "at" would dictate that Crowl was required to stop "prior to, you know, encroaching upon the area."

Both the State and Defense cited to *State v. Robinson*, 756 So. 2d 249 (5th DCA 2000) to support their positions. In *Robinson*, the court held that there was probable cause to stop the defendant's vehicle when it failed to stop at the stop line at an intersection in downtown Sanford. Instead, the car "pulled beyond or ahead of the stop line, before stopping."

After the hearing on Appellee's motion to suppress, the trial court took the matter under advisement and subsequently issued a detailed order granting the motion. The court found that

the trooper did not have probable cause to conduct a traffic stop. Because this issue was dispositive, the court did not address the second issue regarding probable cause for arrest.

The court found that based on *Underwood v. State*, 801 So. 2d 200(4th DCA 2001) there was no evidence that Crowl impeded traffic, nor did Evans ever tell Crowl that he was stopped for impeding traffic. Thus, the entire issue turned on whether or not Crowl's vehicle stopped "at" the stop line. The court found that *Robinson* did not provide sufficient facts to know exactly where Robinson stopped in relation to the stop line. Additionally, at the hearing, the State conceded that stopping with the front wheels an inch beyond the stop line would be acceptable. The court thus questioned at what point over the line stopping becomes unacceptable.

In its order, the trial court noted:

Black's Dictionary defines "at" as: a function word to describe occurrence in, on, or near. Further, it states that the term "at" is a term of considerable elasticity of meaning. Finally, "at" often expressed nearness and proximity. Black's Law Dictionary, Fifth Edition, West Publishing Co. 1979.

This court per curiam affirmed the trial court's suppression order. However, the State's Motion for Rehearing cites to, *State v. Daniels*, 39 Fla. L. Weekly D1014 (Fla. 5th DCA 2014) a Fifth District Court of Appeal case of which the court was unaware when it rendered its decision on June 23, 2014.

In *Daniels*, the deputy pulled over a vehicle in which the defendant was a passenger because, when the vehicle stopped near a stop sign, "[m]ost of the front tire and the whole hood was in front of the stop bar." The defense argued, on a motion to suppress, that the vehicle was stopped "at" the line since only its front tires were on the line itself. The rest of the vehicle was behind the line. The trial court agreed and granted the motion to suppress.

The appellate court rejected Daniels' reliance on the *Merriam-Webster's Collegiate Dictionary* 73 (10th ed. 200) definition of the word "at" to mean "presence or occurrence in, on, or near."

We reject Daniels's interpretation of the statute. While a dictionary may, as Daniels contends, be a reliable resource to determine the meaning of a word used in a statute, like any other tool of statutory construction, its definition is not conclusive.¹ *Miele v. Prudential-Bache Sec., Inc.*, 656 So.2d 470, 472 (Fla.1995). A stop line protects other motorists and pedestrians only if a vehicle stops when its front bumper reaches that line. This is particularly true because vehicles vary greatly in length. If we construe the statute otherwise, a big rig truck would not violate the statute even if its midsection is straddling the stop line and its tractor is protruding into the intersection. The Legislature could not have intended that potentially perilous result. *See Binkowski*, 68 Cal.Rptr.3d at 744.

Daniels, 39 Fla. L. Weekly D1014.

Since the Fifth District Court of Appeal has spoken on this issue, this court must reverse the trial court's decision granting the motion to suppress and remand the case to the trial court for further proceedings consistent with this opinion.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on this 31st day of July, 2014.

/S/

DANIEL P. DAWSON
Presiding Circuit Judge

Turner and Whitehead, J.J., concur.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail Delivery/ hand-delivery to **Adam B. Reiss, Esquire**, 605 E. Robinson Street, Suite 250, Orlando, Florida 32801, and to **Syed M. Qadri, Esquire**, Assistant State Attorney, 415 N. Orange Ave., Suite 200, Orlando, FL 32801 this 31st day of July, 2014.

/S/ _____
Judicial Assistant