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Kidnapping

Letetra Martin was with her eight-year-old daughter, C.C., and C.C.'s Godmother, Priscilla Johnson, at a bus stop. As the three were waiting for a specific bus, they crossed paths with Dionis Triana, a stranger to them. Unprompted, Triana approached them and began yelling at Godmother Johnson. This caused Martin to warn Triana not to come near them. Although he initially began distancing himself from the women, Triana then started to rush back toward them, triggering C.C. to move behind her mother. Triana then verbally threatened to snatch C.C., yelling: "F it, I'm gonna' snatch the baby then." Triana next dodged towards C.C., reaching out to grab her. Martin and Johnson got in between Triana and C.C. and physically blocked Triana from grabbing C.C. Triana then punched Johnson in the face and ran off.

Triana was located, arrested, and subsequently charged by Information with one count of attempted kidnapping of a child under the age of thirteen, and one count of battery.

Issue:

Was there evidence of an overt act towards completing the kidnapping to support the finding of guilt? **Yes**.

Kidnapping:

In Florida, the crime of kidnapping requires a specific intent on the part of the Defendant. Section 787.01(1), F.S., sets forth four separate categories of specific intent, the establishment of any one of which will support a conviction under the statute. The statute defines kidnapping as follows:

The term "kidnapping" means forcibly, secretly, or by threat confining, abducting, or imprisoning another person against her or his will and without lawful authority, with intent to:

1. Hold for ransom or reward or as a shield or hostage;

2. Commit or facilitate commission of any felony;

3. Inflict bodily harm upon or to terrorize the victim or another person;

4. Interfere with the performance of any governmental or political function.

While the statute appears to be straightforward, the Florida Supreme Court has interpreted it narrowly to prevent its application to any felony that involves the unlawful confinement of another person. The Court adopted a three-part test to be applied to the facts to determine whether the kidnapping statute applies: *Faison v. State* (Fla. 1983).

The *Faison* decision provides the framework for analyzing

the facts of a case to determine whether a Defendant's conduct amounts to a confinement crime under the kidnapping statute, distinct from other criminal charges involving forcible felonies.

Pursuant to *Faison*, "If a taking or confinement is alleged to have been done to facilitate the commission of another crime, to be kidnapping the resulting movement or confinement: (a) must not be slight, inconsequential and merely incidental to the other crime; (b) must not be of the kind inherent in the nature of the other crime; and (c) must have some significance independent of the other crime in that it makes *the other crime substantially easier of commission or substantially lessens the risk of detection*."

Since its decision in *Faison*, the Court has adhered to the principle that proof of each factor adopted in *Faison* is necessary for a kidnapping conviction. The Court said that applying the kidnapping statutory language in addition to the three-part test would "justifiably serve to limit that provision's broad scope. Under the proper analysis, to establish the offense of kidnapping pursuant to section 787.01(1)(a)2., the State must first demonstrate that every element of the statute has been satisfied before turning to the three-part test we adopted in *Faison*."

Court's Ruling:

"To prove kidnapping in Florida under section 787.01, the State must prove beyond a reasonable doubt that the Defendant possessed the specific intent to forcibly, secretly, or by threat confine, abduct, or imprison a person against their will without lawful authority. If a defendant takes a substantial, overt step toward committing kidnapping but is prevented from completing the confinement, abduction, or imprisonment, they can be charged with attempted kidnapping, which is a felony in Florida. The crime of attempt is complete where a Defendant 'does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution thereof.' *Berger v. State*, (5DCA 2018)."

"In this case, by darting toward and grabbing **at** C.C. after having made the threat that he was going to take the child, the State presented sufficient evidence to defeat a motion for judgment of acquittal. Viewed in the context of the prior threat to kidnap, a jury could find such conduct was a sufficient *overt act to commit attempted kidnapping*. See, *Galavis v. State*, (4DCA 2010) ('Applying this law to the facts of this case, we have no trouble concluding that the State presented sufficient direct and circumstantial evidence to withstand a motion for judgment of acquittal. Direct evidence supported the act of attempted kidnapping in that [Triana] grabbed [at] the child in the mother's presence and attempted to leave with her.'). AFFIRMED."

Lessons Learned:

A few years later, in *Ferguson v. State*, (Fla. 1988), the Supreme Court applied its *Faison* test in a case involving a kidnapping committed to facilitate a robbery.

In *Ferguson*, after the robbery of a fast-food restaurant was complete, the Defendant forced the manager and three employees at gunpoint outside the store and into a restroom located in the rear of the store. The Defendant told the victims to stay inside the restroom as he made his escape.

The Court determined the confinement of the victims in the restroom was sufficient to meet the definition of kidnapping under *Faison*'s three-part test. Specifically, they explained: "First, the movement was not slight, inconsequential, or incidental to the robbery because the victims were forced out of the restaurant at gunpoint and into a restroom located in the rear. Second, the asportation [movement] was not inherent in the nature of the crime because the robbery could have been committed on the spot without any movement whatsoever. Third, the confinement was intended to make it more difficult for the victims to identify the perpetrator and immediately call for help."

In reaching those conclusions, the Supreme Court observed: "The duration of the confinement is not an integral part of the test even though it may bear on whether the confinement was slight or inconsequential. Moreover, the determination of whether the confinement makes the other crime substantially easier of commission or substantially lessens the risk of detection does not depend upon the accomplishment of its purpose. The question is whether the initial confinement was intended to further either of these objectives."

Triana v. State
3rd D.C.A.
(May 13, 2026)

A new national survey offers a comprehensive look at how Americans view policing.

www.policemag.com/news/national-police-survey-reveals-how-americans-view-policing-today

Recent Case Law

Careless Driving

An officer was assigned to foot patrol in a densely populated entertainment district. The area was described as one of the busiest nightlife locations in the city, containing numerous bars, restaurants, and residential buildings. At closing time, the streets were heavily congested with pedestrians, many of whom were leaving bars and were frequently intoxicated. The roadway itself was narrow, consisting of a two-lane configuration with limited separation between vehicular traffic and pedestrian areas.

The officer heard the sound of a vehicle engine revving in a manner consistent with rapid acceleration. The officer then observed Defendant operating a vehicle at a speed that appeared greater than surrounding traffic. Although the officer did not use radar equipment and could not provide a precise measurement of Defendant's speed, he testified, based on his training and experience, that Defendant was traveling faster than other vehicles on the roadway.

When Defendant drove through the area, a substantial number of pedestrians were congregated along the sidewalks and moving through the vicinity. The officer estimated that well over one hundred individuals were present, many in close proximity to the roadway. *Individuals leaving the nearby establishments were frequently impaired and prone to unpredictable movement, which increased the risk associated with vehicular traffic in the area*.

In addition to traveling at an elevated rate of speed, Defendant also executed a passing maneuver in which he moved into the opposite lane of travel to overtake another vehicle. The roadway permitted two-way traffic, and although no signs explicitly prohibited passing, the maneuver required Defendant to enter what was, in effect, oncoming traffic.

After observing these actions, the officer followed Defendant. The officer then initiated a traffic stop based on the belief that Defendant had operated his vehicle in a careless manner under the prevailing conditions. Upon making contact, the officer observed signs of impairment, including bloodshot and glassy eyes, slurred speech, and the odor of alcohol, which ultimately led to Defendant's arrest for driving under the influence.

Before trial, Defendant filed a motion to suppress, arguing the officer lacked probable cause or reasonable suspicion to justify the traffic stop. At the suppression hearing, the defense emphasized that the officer could not specify Defendant's exact speed, passing was not expressly prohibited on the roadway, and no pedestrians or vehicles were either struck or forced to take evasive action. The State responded that the *totality of the circumstances*, including Defendant's speed, the nature of the passing maneuver, and the highly congested environment, provided a lawful basis for the stop under the careless driving statute. The trial court agreed with the State, as did the D.C.A.

Issue:

Did the Officer possess sufficient probable cause to initiate the traffic stop? **Yes**.

Careless Driving:

Careless driving is a non-criminal traffic violation defined by statute as the failure to operate a vehicle in a careful and prudent manner, having regard for road conditions and circumstances, so as not to endanger life, limb, or property. § 316.1925. Not to be confused with reckless driving, which requires willful or wanton disregard for the safety of persons and property and carries more serious legal consequences. § 316.192.

Importantly, recent case law confirms that probable cause for a careless driving stop exists when an officer observes driving that could endanger life, limb, or property, though probable cause for a stop differs from sufficiency of evidence for conviction. *State v. Crume*, (6DCA 2024). "The court below appears to have erred in focusing on whether a traffic violation occurred rather than the correct standard: whether, viewed under an objective lens, the 'totality of the facts known to the officer at the time would cause a reasonable person to believe that an offense has been committed.' "

Florida law also recognizes "aggressive careless driving" as a separate offense, defined as

committing two or more specified traffic violations simultaneously or in succession: 1. Exceeding the posted speed. 2. Unsafely or improperly changing lanes. 3. Following another vehicle too closely. 4. Failing to yield the right-of-way. 5. Improperly passing. 6. Violating traffic control and signal devices. § 316.1923.

Court's Ruling:

"The stopping of a motor vehicle constitutes a seizure within the meaning of the Fourth Amendment and must be supported by probable cause that a traffic violation has occurred. **The relevant inquiry is not whether a violation in fact occurred, but whether a reasonable officer could conclude that a violation had been committed based on the totality of the circumstances**. *State v. Hebert*, (4DCA 2009)."

"Section 316.1925(1) defines careless driving as the failure to operate a vehicle in a careful and prudent manner having regard for traffic, road conditions, and all attendant circumstances, so as not to endanger persons or property. This statutory framework is inherently fact-intensive and requires consideration of the *surrounding environment rather than rigid adherence to specific traffic rules*."

"Defendant first contends that the officer lacked probable cause because he could not quantify the vehicle's speed. This argument is unpersuasive. Probable cause does not require certainty or precise measurement. As explained in *Hebert*, the officer need only possess a reasonable belief that a violation has occurred. Moreover, an officer may rely on visual observations and professional experience to conclude that a vehicle is traveling at an unsafe speed. *Young v. State*, (4DCA 2010) ('Police may stop a vehicle for a speeding violation based on the officer's visual or aural perceptions and that verification of actual speed by the use of radar equipment or clocking is not necessary to justify the stop'). Here, the officer testified that Defendant was traveling faster than surrounding vehicles on a narrow and crowded street, which, when viewed in context, supports a reasonable belief that Defendant was driving too fast for the conditions."

"Defendant next argues that his passing maneuver cannot support probable cause because it was not expressly prohibited by traffic markings. However, *legality in the abstract does not resolve whether conduct is careless under the circumstances*. In the present case, the officer observed Defendant enter oncoming traffic in a densely populated area with significant pedestrian activity. The absence of a formal prohibition does not negate the officer's reasonable conclusion that the maneuver was imprudent."

"Defendant also asserts that his conduct did not actually endanger any person or property. This argument misapprehends section 316.1925(1). Actual harm or near collision is not required. In *Kenneth v. State*, (3DCA 2023), the court recognized that conduct may be deemed careless even in the absence of an accident or evasive action by others. Similarly, in *Baden v. State*, (4DCA 2015), probable cause existed where the Defendant's driving *created a risk to nearby pedestrians and vehicles*. The officer's testimony in this matter established that Defendant's conduct posed a potential danger given the crowded conditions."

"Finally, to the extent Defendant challenges the officer's reliance on the sound of the engine revving, that argument lacks merit because the officer's determination of probable cause was based on the totality of the circumstances, not solely on the sound of the engine."

"The totality of the circumstances further supports the trial court's ruling. Defendant was operating his vehicle in an area with a high concentration of pedestrians, many of whom were likely impaired. These facts, taken together, provided a sufficient basis for a reasonable officer to conclude that *Defendant failed to drive in a careful and prudent manner*."

"In sum, the trial court's findings are supported by competent, substantial evidence, and its legal conclusions are consistent with established precedent. The officer's observations, viewed in their entirety, provided probable cause to believe that Defendant was operating his vehicle in a careless manner under the circumstances. Because competent, substantial evidence supports the trial court's determination that the officer had probable cause to conduct the traffic stop, the denial of the motion to suppress is Affirmed."

Lessons Learned:

Courts have held that careless driving is not a lesser-included offense of reckless driving or vehicular homicide. Evidence that an individual carelessly operated a motor vehicle is not sufficient by itself to establish reckless driving, though it may be considered as a circumstance in determining guilt or innocence on a reckless driving charge. *Pitts v.*

State,(1DCA 1985).

It is important to keep in mind, especially at the scene of a vehicle wreck, that at trial the State must prove the identity of the driver of the offending vehicle. Where there is not a single occupant in the offending vehicle, establishing who was behind the wheel before the crash is imperative.

Further, establishing the posted speed or the speed set by statute is likewise a crucial factor. The difference between negligent conduct and recklessness is fact-specific: "each case always turns on its own specific facts."

A traffic stop for a suspected violation of law is a "seizure" of the occupants of the vehicle and therefore must be conducted in accordance with the Fourth Amendment. To justify this type of seizure, officers need only "reasonable suspicion" - that is, "a particularized and objective basis for suspecting the particular person stopped" of breaking the law. *Prado Navarette* v. *California,* (S.Ct.2014).

The Supreme Court has repeatedly stated, "The ultimate touchstone of the Fourth Amendment is 'reasonableness.' Thus, to be reasonable is not to be perfect, and the Fourth Amendment allows for some mistakes on the part of police officers, giving them 'fair leeway' for enforcing the law in the community's protection." *Brinegar v. United States*, (S.Ct.1949).

The Fourth Amendment prohibits 'unreasonable searches and seizures.' Under this standard, a search or seizure may be permissible even though the justification for the action includes a *reasonable factual mistake*. "An officer might, for example, stop a motorist for traveling alone in a high-occupancy vehicle lane, only to discover upon approaching the car that two children are slumped over asleep in the back seat. The driver has not violated the law, *but neither has the officer violated the Fourth Amendment*." *Heien v. North Carolina*, (S.Ct.2014).

Brooks v. State
4th D.C.A.
(April 29, 2026)

Privacy and Dog Sniff

The Drug Enforcement Administration was investigating a drug trafficking organization suspected of selling fentanyl and heroin. The investigators conducted an extensive wiretap and surveillance operation that led them to suspect Defendant Eric Tyrell Johnson was trafficking drugs from Apartment 201 in a large multi-unit complex.

Agent Jasen Logsdon decided to conduct a dog sniff at Johnson's apartment to confirm – **or dispel** – those suspicions before seeking a search warrant for the premises. At approximately 3:00 a.m., Logsdon and his K-9, with the permission of building management, entered the apartment building. Apartment 201 was located in a long hallway on the building's second floor, near the elevators. Thus, *other second-floor residents would routinely walk past Johnson's door on their way to and from the elevators*.

The certified K-9 conducted a "free air scan" of Apartment 201's front door and alerted to the odor of illegal drugs in the area of the lower door seam. The next day, law enforcement officers applied for a search warrant. The warrant was granted, and police searched the apartment and uncovered a heroin-fentanyl powder mixture, a handgun, ammunition, cell phones, cash, and other items indicative of drug-dealing.

Defendant was indicted for multiple felonies. Johnson moved to suppress the evidence recovered from his apartment, arguing that it was the fruit of a Fourth Amendment violation.

Issue:

Did the dog sniff at Johnson's apartment door constitute a "search" within the meaning of the Fourth Amendment? **No**.

Expectation of Privacy:

The Defendant argued on appeal that two United States Supreme Court cases supported his position: *Kyllo v. United States*, (2001) and *Florida v. Jardines*, (2013). *Kyllo* appeared most on point. The Court ruled that the use of a thermal imaging device to monitor heat radiation to investigate possible marijuana production, in or around a person's home, even if conducted from a public vantage point, was unconstitutional without a search warrant. In its majority opinion, the Court held that thermal imaging constitutes a "search" under the Fourth Amendment, as the police were using a device to "explore details of the [interior of a] home that would previously have been unknowable without physical intrusion." Importantly, the ruling has been noted for expanding the reasonable expectation of privacy doctrine in light of new surveillance technologies. The Court focused on "the invasiveness of the technology itself" and its ability to enhance all Government surveillance of and in the home.

Once again, the police desire to investigate whether a home

was being used as a marijuana grow house led to the ruling in *Florida v. Jardines*. The Court ruled that the police use of a trained detection dog to sniff for narcotics on the *front porch* of a private home was a "search" within the meaning of the Fourth Amendment to the United States Constitution, and therefore, without consent, required both probable cause and a search warrant. Officers led a drug-sniffing police dog to the front door of the suspect's home, and the dog alerted at the front door to the scent of contraband. A search warrant was issued, which led to the arrest of the homeowner. The State argued that the use of a police dog was an acceptable form of minimally invasive warrantless search. The Court disagreed, despite three previous cases in which it had held that a dog sniff was not a search when deployed against luggage at an airport, against vehicles at a drug interdiction checkpoint, and against vehicles during routine traffic stops. The Court made clear in this ruling that it considered the deployment of a police dog at the *front door of a private residence* to be a distinct situation.

The Supreme Court has always recognized that the Fourth Amendment protects "the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion." Because "a man's house is his castle," police generally need a warrant to enter an individual's home. Moreover, the Court has recognized that Fourth Amendment protections extend into the curtilage of a home, defined as "the area around the home to which the activity of home life extends."

However, "It is clear that one does not harbor an expectation of privacy on a front porch where salesmen or visitors may appear at any time." *State v. Duhart*, (4DCA 2002).

Court's Ruling:

"We begin with Johnson's argument that the dog sniff violated his reasonable expectation of privacy because it revealed private information about the interior of his home. It is certainly true, as Johnson argues, that 'the Fourth Amendment draws a firm line at the entrance to the house,' and that individuals generally have a reasonable expectation of privacy as to what is inside and protected from public view. It follows, the Supreme Court held in *Kyllo*, that a Fourth Amendment search has occurred if the government uses a specialized device 'not in general public use' – there, a thermal-imaging device that could detect heat patterns inside a house – to 'explore details of the home that would previously have been unknowable without physical intrusion.' And this case, Johnson says, is just like *Kyllo*: The police used a specially trained dog to learn details about the interior of his home – specifically, the presence of illegal drugs – that they could not otherwise have discovered without entering his apartment."

"We appreciate the logic of this argument. But there is a problem: When it comes to Fourth Amendment expectations of privacy, dog sniffs are different. See *United States v. Place*, (S.Ct.1983) (explaining that in this context, 'the canine sniff is *sui generis*' ['in a class by itself']). As the Supreme Court has made clear, an individual's interest in possessing contraband cannot be deemed 'legitimate.' *Illinois v. Caballes*, (S.Ct.2005). And a dog sniff, crucially, can 'only reveal' just that – 'the possession of contraband.' Unlike a visual inspection of the inside of a home, or the use of *Kyllo*'s thermal imaging device from the outside, an alert by a trained narcotics-detection dog 'does not expose non-contraband items that otherwise would remain hidden from public view.' It exposes 'only the presence or absence of narcotics, a contraband item' – which means that it cannot violate any reasonable expectation of privacy. Because *a dog sniff can reveal only the presence of contraband, and there is no reasonable expectation of privacy in contraband, a dog sniff is not a search – period*."

"Johnson's alternative argument draws on the property-based approach of *Jardines*, in which the Supreme Court held that a dog sniff conducted on the front porch of a house was a Fourth Amendment search. That was so, the Court reasoned, not because it violated a reasonable expectation of privacy, but because the police on the front porch had physically intruded into the "curtilage" of the home – the "area belonging to Jardines and immediately surrounding his house" – which is protected "as part of the home itself" under the Fourth Amendment."

However, the 4th Circuit noted that whether the dog sniff here was a search under *Jardines* depended upon whether the area of the common hallway just outside Johnson's door qualified, like Jardines's front porch, as protected "curtilage." They ruled it did not:

"In *United States v. Dunn*, (1987), the Supreme Court provided

us with four factors to consider in identifying curtilage: the 'proximity of the area claimed to be curtilage to the home, whether the area is included within an enclosure surrounding the home, the nature of the uses to which the area is put, and the steps taken by the resident to protect the area from observation by people passing by.' The bottom-line question is whether the area in question should be treated 'as part of the home itself,' … protected by the Fourth Amendment."

The issue for the court was whether the hallway outside Johnson's apartment qualified as curtilage or simply "common property" available to all. The court ruled, "Here, instead of a patio, it is Johnson's apartment door that 'marks the boundary' between his residence, protected as a home under the Fourth Amendment, and the 'apartment complex's common property.' Johnson had *no property based right outside his apartment door*.' Instead, as the [trial] court explained, that area was part of a common hallway, used regularly by other building residents and by building cleaning staff. And it was not just other residents and staff; despite locks at the front door, entry to the interior hallways was 'not restricted ... in any way' because building management 'routinely' granted consent to enter on request. Johnson could, of course, exclude any of those people from the interior of his apartment, but they all had *a right to be in the common hallway outside his door*. That takes the apartment hallway, … outside the scope of the Fourth Amendment's protection of the home. *United States v. Cruz Pagan*, (1st Cir. 1976) (explaining that an apartment tenant's 'dwelling cannot reasonably be said to extend beyond his own apartment and perhaps any separate areas subject to his exclusive control')."

"In sum, we agree with the [trial] court that the common hallway outside Johnson's apartment door is not properly treated as 'part of the home itself' for purposes of the Fourth Amendment. That is not, of course, because Johnson rents his home instead of owning it; Johnson has the same right to 'retreat into his own home, and there be free from unreasonable governmental intrusion,' as any homeowner. It is because Johnson has 'no ... right to exclude others' from the hallway outside his home, and there is no indication 'that he had ever attempted to do so.' AFFIRMED."

Lessons Learned:

The Fourth Circuit summed up its ruling thusly: "We go no further in deciding the case before us today. Multi-dwelling units come in all kinds of configurations, and some may include 'common' areas different from the apartment hallway here or the courtyard in *Jackson*. See *United States v. Hopkins*, (8th Cir. 2016) (walkway leading to two townhouse doorways – 'common' only to the defendant and his immediate neighbor' – falls within curtilage). Other cases may present different factual twists. *United States v. Lewis*, (2d Cir. 2023) (calling for an individualized and fact-specific approach to assessing whether Defendant has a reasonable expectation of privacy in the porch of a multi-unit dwelling, including attention to whether the porch was generally open to building visitors). We hold only that on the facts as found by the [trial] court and disputed by neither party, the police did not intrude on Fourth Amendment-protected curtilage when they conducted a dog sniff in the common hallway just outside Johnson's apartment door."

United States v. Johnson
U.S. Court of Appeals, 4th Cir.
(Aug. 5, 2025)

Stop Sign Infraction

The Officer observed Andrew Kent's vehicle approach a stop sign and stop for less than half a second. The brake lights activated and then turned off as quickly as they had activated. Officer conducted a traffic stop and observed that Kent appeared to be nervous, was shaking, and was avoiding eye contact. Upon questioning, Kent informed the officer that he did not have a license with him. Officer asked Kent to step out of the vehicle and asked him to whom the car belonged. Kent replied that the car belonged to his brother, Andy. He was Christopher John Kent.

The Officer asked to search Kent's vehicle. Kent consented. Officer found a clear plastic baggie with a white powdery substance in the center console of the vehicle in immediate reach of the driver's seat. It tested positive for cocaine.

Kent was handcuffed and read his *Miranda* rights. Kent stated that he understood and that he wished to talk to the officer. As the officer was searching Kent's wallet for additional narcotics, Kent stated that he lied about his identity, that he was actually "Andy," that the white baggie was his, that the car belonged to him, that he did not have a license, and that his actual birthdate was January 26, 1984.

Issue:

Did the Officer have probable cause to believe a traffic infraction was committed in his presence? **Yes.**

Reasonable Traffic Stop:

In *Whren v. United States*, (S.Ct. 1996), the Supreme Court held that the constitutional reasonableness of a traffic stop is not dependent on the motivations of the individual officers involved and applied a simple objective test, based on the common-law rule that probable cause justifies a search and seizure. The *Whren* Court found that the officers had probable cause to believe that the Defendants had violated the traffic code, which rendered the stop reasonable under the Fourth Amendment, and thus all evidence discovered thereby was admissible.

The Court characterized the reasonable officer test as an attempt "to reach subjective intent through ostensibly objective means" and noted that the test was too difficult in application because the determination would rely on the "collective consciousness of law enforcement." The *Whren* Court rejected the reasonable officer test in favor of a strict objective test, which asks only whether any probable cause for the stop existed. See, *Holland v. State*, (Fla. 1997).

Court's Ruling:

"Running a stop sign provides probable cause for a traffic stop. See *Holland v. State*, (Fla. 1997) (finding probable cause for traffic stop exists when vehicle fails to stop at stop sign); see also § 316.123(2)(a), F.S. ('Every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop ... before entering the intersection.'). But Kent argues there was no competent, substantial evidence he ran the stop sign because the officer did not see Kent commit the infraction of failing to stop at the stop sign and instead relied on the length of time the brake lights were activated as the basis for the stop."

"Here, the officer testified he saw Kent's car approach the stop sign and his brake lights come on for less than half a second and then 'turned off as quick as they activated.' Therefore, the officer testified he knew Kent failed to come to a complete stop because 'it would take more than approximately half a second to actually have your vehicle come to a complete stop.' "

"No Florida case directly answers the question whether the observation of brake lights is sufficient evidence to provide probable cause for a violation for running a stop sign. Like the trial court, we answer that question in the affirmative."

"Consequently, the Officer's observation that Kent's brake lights were illuminated for only half a second is an objective basis to believe the vehicle did not come to a complete stop as required by section 316.123. The reasonable inference from this evidence is that the brief illumination of the brake lights suggests Kent's vehicle merely slowed—a rolling stop—rather than coming to a 'complete cessation from movement' at the stop sign. § 316.003(84). See also, *Noto v. State*, (4DCA 2010) (finding officer had probable cause for stop where he observed defendant 'rolling through a red light, a violation of Florida's traffic law.'). Accordingly, the trial court did not err in denying Kent's motion to suppress stop on the basis the officer had probable cause to stop Kent's vehicle after he failed to come to a complete stop at the stop sign."

"In conclusion, we affirm the trial court in all respects. First, the denial of Kent's motion to suppress the stop was not error. The Officer's observation that Kent's brake lights were illuminated for only half a second is an objective basis to believe the vehicle did not come to a complete stop as required by law. Running a stop sign provides probable cause for a traffic stop. AFFIRMED."

Lessons Learned:

Complete Stop Requirement: Drivers must make a complete stop, not a "rolling stop," at the marked stop line or, if none, before entering the crosswalk or intersection. Even stopping after the marked line or crosswalk counts as a violation. Simply put, all drivers must stop at stop signs and yield the right of way to other vehicles or pedestrians. As such, there was no way the Defendant in the present case could have achieved those duties prior to removing his foot from the brake pedal and entering the intersection.

Right-of-Way Rules: After stopping, drivers must yield to all vehicles and pedestrians already in the intersection or approaching closely. At four-way stops, the first vehicle to stop goes first; if arriving simultaneously, the driver on the left yields to the driver on the right. Even if the intersection appears empty, failing to come to a complete stop is still against the law. That quick decision could result in a crash and a ticket with points.

Kent v. State
3rd D.C.A.
(March 11, 2026)