

IN THE COUNTY COURT OF FLORIDA
MANATEE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff

Case No. 2011 CT 001245

-vs-

R. [REDACTED] W. [REDACTED]
Defendant

FILED FOR RECORD
R.B. SHORE
2011 OCT 25 AM 11:22
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

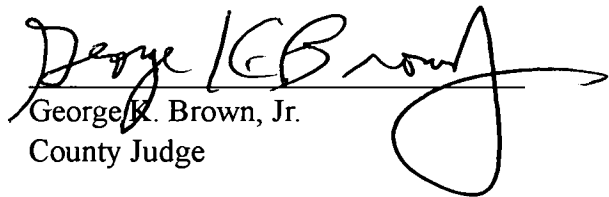
ORDER GRANTING MOTION TO SUPPRESS

THIS CAUSE having come before the court for hearing on October 21, 2011, and the court having heard testimony and the arguments of counsel and otherwise having been fully advised in the premises, the court hereby finds that an isolated incident of defendant striking a curb, with no other indication of impairment or allegation of bad driving, is insufficient to justify the traffic stop herein.

Justification for a traffic stop in the absence of a traffic violation requires driving "sufficiently erratic to give rise to a reasonable suspicion of impairment." *Hurd v. State*, 958 So. 2d 600 (DCA 4, 2007). The court finds that the single act of striking a curb does not meet that standard, and finds that there was no other adequate justification for the stop adduced at the hearing.

ORDERED AND ADJUDGED that the defendant's Motion to Suppress Evidence is GRANTED.

DONE AND ORDERED in Chambers at Manatee County, Florida on this 24th day of October, 2011.


George R. Brown, Jr.
County Judge