

STATE OF FLORIDA,

Case No. 22-13085

Confidential

Plaintiff,

v.

Judge DELANCY

STEVEN RODRIGUEZ,

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Defendant.

_____ /

ORDER GRANTING DEFENDANT'S MOTION TO SUPPRESS

THIS CAUSE having come before the Court on Defendant's, STEVEN RODRIGUEZ

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("Defendant"), Motion to Suppress (the "Motion"), and the Court, having reviewed the file and being fully advised in the premises, finds as follows:

FINDINGS OF FACT¹

On October 27, 2022, Defendant was a passenger in the rear driver's side of a White Hyundai Elantra (the "Vehicle"). There were two other individuals in the Vehicle: the driver and the front seat passenger. Detective Jose Lemus stopped the Vehicle because it had what appeared to be illegal dark tints and the driver illegally crossed over a double white line.

The three occupants were ordered out the Vehicle. Detective Lemus spoke with the driver who, though reluctantly, gave the Detective the right to search the Vehicle. Detective Lemus requested the search because he found the occupants to appear nervous, it was a high crime area and he was concerned about officer safety. Detective Lemus searched the driver's side and found nothing. Thereafter, he searched the front passenger side and found a backpack. While removing the backpack from the Vehicle Detective Lemus asked the passenger if he owned the backpack. The passenger admitted he owned it and Detective Lemus immediately began to search the backpack without asking the passenger permission

¹ All facts detailed in this Order were established by the State's witnesses' testimony. The Court found the State's witnesses to be credible.

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for the search. Thereafter, Detective Lemus entered the back passenger side of the Vehicle and found another backpack. Once again, Detective Lemus inquired of the front passenger as to whether he owned that backpack. The front passenger replied that he did not own the backpack but that it belonged to his friend. Detective Lemus proceeded to search this second backpack as well.

Separately, after overhearing the driver give Detective Lemus permission to search the Vehicle, Detective Angel Hernandez searched the Louis Vuitton bag (the "Bag") which was located on the rear driver's side floor board and which is the subject of Defendant's Motion to Suppress. It is undisputed that, even though Detective Hernandez had reason to believe that the Bag belonged to Defendant and not to the driver who gave consent to search the Vehicle,² Detective Hernandez did not ask Defendant's permission to search the Bag.

Approximately four minutes after Detective Hernandez began searching the Bag, Defendant disclaimed ownership of the Bag. There was no evidence presented which suggests that Defendant denied ownership of the Bag and/or the other contents of the Vehicle at any time prior to the search.

DISCUSSION

Florida courts have held that the driver of a car can properly authorize an officer to search the car, which may include closed bags, only if the driver has the apparent authority to consent to the search of that bag. That authority may be gleaned either through the driver and passenger's shared use of joint access to the bag or due to circumstances which would give rise to a reasonable belief that the driver had the authority to consent to search the bag. *Brown*

² Detective Hernandez admitted that, while Defendant was seated in the Vehicle, he saw Defendant with the Bag in his lap and therefore had reason to believe the Bag belonged to the Defendant.

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v. State, 789 So.2d 1021, 1022-1024 (Fla. 2d DCA 2001) (where the officer never saw the fanny pack in the driver's possession and knew that defendant possessed the fanny pack until officer ordered her out of the car, court found it was not reasonable for the officer to assume that the male driver had the apparent authority to consent to the search of the fanny pack); *but see State v. Walton*, 565 So.2d 381 (Fla. 5th DCA 1990) (where driver consented to search of the trunk which contained luggage that did not belong to the driver but where the officer had no way of knowing to whom the luggage belonged, court held that, unless the actual owner protested to the search, the driver had the apparent authority to consent to the search of all the luggage and suppression was not proper).

In the instant case, it is uncontested that the detectives had the legal right to search the Vehicle pursuant to the driver's consent. It is further clear that that consent extends to all items in the Vehicle for which consent was given. That consent did not, however, extend to the Bag since Detective Hernandez admitted that he "had reason to believe" that the Bag belonged to Defendant since he saw Defendant with the Bag in his lap prior to exiting the Vehicle. Since he had reason to believe the Bag did not belong to the driver but belonged to Defendant, who was present, in order to legally search the Bag without a warrant, Detective Hernandez was required to ask Defendant for his permission to search the Bag. In that instance, had Defendant given Detective Hernandez permission to search the Bag or disclaimed ownership of the Bag prior to the search, Detective Hernandez's search would have been legally justified. In this instance, however, Detective Hernandez chose to search the Bag without Defendant's consent even though he had reason to believe the Bag belonged to the Defendant.

In its response to Defendant's Motion, the State contends that Defendant acquiesced to the search because Defendant disclaimed ownership of the Bag after Detective Hernandez

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searched the Bag and discovered the drugs. The State suggests that Defendant abandoned the Bag when he disclaimed ownership and therefore has no standing to now contest its introduction into evidence. Florida law provides otherwise.

Defendant disclaimed ownership of the Bag only *after* Detective Hernandez illegally searched the Bag. Since there is a clear causal connection between Detective Hernandez's unlawful conduct and Defendant's disclaimer of the Bag, Defendant's disclaimer cannot be considered voluntary and he retains his right to contest the search and the introduction of the illegal items found in the Bag. See *State v. Williams*, 751 So.2d 170, 171 (Fla. 2d DCA 2000) (where defendant abandoned property after unlawful police conduct, defendant does not relinquish his reasonable expectation of privacy in that property and continues to retain standing to challenge the introduction of the improperly seized items); *Taylor v. State*, 326 So.3d 115, 119 (Fla. 1st DCA 2021) (where vehicle owner disclaimed illegal items found in his vehicle only after the officer's unconstitutional seizure of those items, court found disclaimer was involuntary and defendant retained standing to challenge the search and seizure). As a result of the foregoing, it is

ORDERED AND ADJUDGED that Defendant's Motion to Suppress is **GRANTED**. All items found within the Louis Vuitton bag procured from the Vehicle are the "fruit of the poisonous tree" and shall not be utilized at the trial in this cause.

DONE AND ORDERED in Chambers in Miami, Miami-Dade County, on this 14th day of January 2026.



MICHELLE A. DELANCY
Circuit Court Judge

Michelle A. Delancy
Circuit Judge