

**IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS
AND POLK COUNTY, FLORIDA**

**County Case No.: TT02-02410-LD
Appeal No.: FF-24**

DEBRA STAFFORD,

Appellant,

v.

STATE OF FLORIDA,

Appellee,

OPINION OF THE COURT

This is an appeal from the county court of Polk County, Judge Mark Carpanini presiding. Appellant challenges on appeal the trial court's ruling on her motion to suppress. This court has jurisdiction. Fla. R. App. P. 9.030(c). The ruling of the county court is reversed.

Appellant was issued a traffic citation for driving under the influence of alcohol after police pulled over her vehicle for improperly displaying a temporary license tag. Defense counsel filed a pre-trial motion to suppress alleging that the police officer unlawfully stopped Appellant. The court denied the motion and Appellant pled no contest to the charge, reserving her right to appeal. Appellant was adjudicated guilty and sentenced to one year of probation.

The sole issue on appeal is whether the trial court erred in denying the Appellant's motion to suppress. A trial court's ruling on a motion to suppress comes to reviewing court clothed with presumption of correctness, and reviewing court will interpret evidence and reasonable inferences and deductions derived therefrom in manner most favorable to sustaining trial court's ruling. McNamara v. State, 357 So.2d 410 (Fla. 1978).

Appellant argues that the officer had no lawful basis to stop her vehicle because the placement of the temporary tag was consistent with the requirements of the law. Section 320.131(4), Florida Statutes (2002), provides that "[t]emporary tags shall be conspicuously displayed in the rear license plate bracket or attached to the inside of the rear window in an upright position so as to be clearly visible from the rear of the vehicle." The officer testified that it was late at night and he was unable to fully read the tag's number. Once the officer stopped the vehicle, exited his car and approached the rear of Appellant's vehicle, he was able to read the temporary tag. Based on the testimony taken at trial, the Court finds that the officer was justified in conducting a traffic stop based on his inability to clearly read the temporary tag. State v. Diaz, 850 So.2d 435 (Fla. 2003). However, once the officer concluded that the temporary tag

was valid, the justification for the stop ended. Appellant should have been free to leave, and her continued detention after the justification for the stop ended was illegal. Palmer v. State, 753 So.2d 679 (Fla. 2d DCA 2000); Diaz v. State, 800 So.2d 326 (Fla. 2d DCA 2001); Borys v. State, 824 So.2d 204 (Fla. 2d DCA 2002). Therefore, the trial court erred in denying the motion to suppress.

Accordingly, it is ORDERED and ADJUDGED that the judgment and sentence of the county court is REVERSED.

DONE and ORDERED January 11, 2005.

RONALD HERRING, Chief Judge