



SUMMER 2015

## LEGAL BULLETIN

### IS A POST-*MIRANDA* STATEMENT MADE DURING A TRAFFIC HOMICIDE INVESTIGATION ADMISSIBLE IN TRAFFIC COURT?

A post-*Miranda* statement made during a traffic homicide investigation is admissible in traffic court. However, you can expect a Defendant will make several arguments to attempt to persuade a judge or magistrate to exclude the statement. Two of the most common arguments have to do with the reading of *Miranda* rights and the Accident Report Privilege.

#### *MIRANDA* AND THE ACCIDENT REPORT PRIVILEGE

A Defendant may argue that the reading of *Miranda* at the beginning of your investigation is somehow improper. However, there is nothing improper about reading *Miranda* rights. In fact, it is to the benefit of all parties involved. Defendants should be aware of their rights so that they can make informed decisions to speak to law enforcement. Depending on the statements made, a person may become a Defendant very quickly. When this occurs, a Defendant who was not read *Miranda* will probably argue that he or she should have been read *Miranda*, and that any statements made should be excluded if *Miranda* was not read. It is better to have Defendants complain that they *were given* information to make informed decisions rather than *not given* information concerning their constitutional rights.

A Defendant may argue that the Accident Report Privilege found in Section 316.066(4), Florida Statutes (2014), is applicable to post-*Miranda* statements made to the trooper conducting the traffic homicide investigation. However, the Accident Report Privilege does not apply during a traffic homicide investigation as long as *Miranda* is read.



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### ACCIDENT REPORT PRIVILEGE

The Accident Report Privilege statute states:

Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. ***Such report or statement may not be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated.***

§ 316.066(4), Fla. Stat. (2014) (emphasis added).

The last two sentences are very important. The second to last sentence prohibits the use of any statement in any trial. However, the last sentence states any statement can be used at a criminal trial as long as the person's right against self-incrimination was not violated. In other words, statements made after being read *Miranda* rights may be used in a criminal trial. The statute does not mention non-criminal trials, but this issue was addressed in *Alexander v. Penske Logistics, Inc.*, 867 So. 2d 418 (Fla. 3d DCA 2003), where the Third District Court of Appeal found post-*Miranda* statements admissible in non-criminal cases. As long as the right against self-incrimination is not violated, a driver's statements are admissible.

*Penske* involved a wrongful death action that was brought when the decedent pulled out from a side street and was struck by a truck. The decedent's estate argued on appeal that statements made to a traffic homicide investigator should have been excluded under Section 316.066(4), Florida Statutes. The Trooper conducted a post-*Miranda* interview of the truck driver. The court found *State v. Marshall*, 695 So. 2d 686 (Fla. 1997), controlling and ruled that the testimony was admissible. The court found:

To clarify our decision, we emphasize that the privilege granted under Section 316.066 is applicable if no *Miranda* warnings are given. Further, if a law enforcement officer gives any indication to a Defendant that he or she must respond to questions concerning the investigation of an accident, there must be an express statement by the law enforcement official to the Defendant that 'this is now a criminal investigation,' followed immediately by *Miranda* warnings, before any statement by the Defendant may be admitted.

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*Id.* at 421, quoting *Marshall*, 695 So. 2d at 686. Therefore, if no *Miranda* warnings are given, then incriminating statements made by drivers may be excluded. However, if *Miranda* warnings are given, incriminating statements made post-*Miranda* are admissible. If a Trooper conducting a traffic homicide investigation reads *Miranda*, and a driver then voluntarily provides statements during the traffic homicide investigation, the Accident Report Privilege does not apply, and the statements are admissible even in a non-criminal case. The Accident Report Privilege covers statements made during the crash investigation, it does not cover a separate traffic homicide investigation after a person has been read *Miranda* and provides a statement.

### ***CORPUS DELICTI***

Another argument a Defendant may make is that *corpus delicti* has not been established. This means the Defendant is arguing evidence has not been offered to demonstrate the crime actually occurred, and their statement may not be admitted as the only evidence to prove the crime.

The Florida Supreme Court has held that “[a] person’s confession to a crime is not sufficient evidence of a criminal act where no independent direct or circumstantial evidence exists to substantiate the occurrence of a crime.” *State v. Allen*, 335 So. 2d 823, 825 (Fla. 1976). A Defendant may try to force a Trooper to agree in cross examination that in the Trooper’s opinion he or she could not establish *corpus delicti*. This line of questioning calls for a legal conclusion, which should be made by the court, not the Trooper. The Trooper should object and point this out to the judge or magistrate. It is the court who must find based on the evidence presented, and totality of the circumstances, that *corpus delicti* has been established and determine that statements are therefore admissible.

For example, in *State v. Kester*, 612 So. 2d 584 (Fla. 3d DCA 1992), a law enforcement officer arrived at the scene of an accident where a vehicle had struck a child on a bicycle. Three witnesses were present and indicated Kester had struck the child with his vehicle, but refused to give the officer their names or testify.

The officer observed the scene, including Kester’s parked vehicle with the child’s bicycle lying nearby, Kester outside his vehicle, and paint transference from the bicycle on Kester’s vehicle. Kester exhibited obvious signs of impairment, and when approached he admitted to striking the child. The court found that:

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The officer's testimony was that Kester's green auto was the only car on the scene and a mangled blue bike was on the ground nearby. Blue paint, the same color as on the bike, was on the side of Kester's car. Kester was the only person standing next to his car. There were no passengers. The officer had observed Kester's bloodshot eyes and the scent of alcohol on Kester's breath. Through this evidence, the State met its burden of tending to show Kester committed the crime of DUI.

*Id.* at 586. The court concluded, based on the totality of the circumstances, that "[o]nce a prima facie case was presented, the trial court correctly held that Kester's statement that he had been driving and hit the child, was admissible, and not protected...." *Id.* As in *Kester*, courts must determine based on the totality of the circumstances, whether a *prima facie* case has been established to allow the admission of a Defendant's statements.

As demonstrated by *Kester*, the lack of "independent witnesses" is not dispositive and a Defendant may be found guilty without witnesses if there is other sufficient evidence, including their own statements, that the crime occurred.

### RELIABILITY OF STATEMENTS

A Defendant may argue that a statement, given shortly after a crash, while under the stress of the incident, is somehow less reliable. However, statements made shortly after an incident, while the driver is vulnerable, and still feeling the emotion of the event, are admissible and are generally not considered hearsay. They are considered especially trustworthy, and in certain circumstances, are allowed to be admitted into evidence as an exception to the Sixth Amendment's Confrontation Clause.

For example, under Section 90.803, Florida Statutes, and Florida Supreme Court case law, in order for such statements to be admissible, "(1) there must be an event startling enough to cause nervous excitement; (2) the statement must have been made before there was time to contrive or misrepresent; and (3) the statement must be made while the person is under the stress of excitement caused by the event." *State v. Jano*, 524 So. 2d 660, 661 (Fla. 1988). Or, under Section 90.804(2)(c), Florida Statutes, Defendant's statements may qualify as statements against his interest, another hearsay exception, based on the basic premise that a person would not implicate themselves in a crime if they did not actually commit the crime.

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Florida statutes and case law specifically recognize and allow statements obtained in the very circumstances a Defendant may assert should be found *less* reliable. In fact, a Defendant's statements taken at a time shortly after a traffic crash where the Defendant was vulnerable and clearly in a distraught state are more reliable as a result of the freshness, lack of time for fabrication, Defendant's openness, and the lack of pressure from outside influences on his recollection.

The arguments discussed above are not an exhaustive list and were taken from recent cases involving traffic homicide cases around Florida. If you should need assistance addressing a specific argument or issue (even if not addressed here), please contact your Troop's Legal Advisor. We will be glad to assist you with the prosecution of citations resulting from traffic homicide cases and are always available to answer any questions you may have about this or other patrol matters.

*By: Tom Moffett*

## **IS IT CONSTITUTIONAL TO IMPOSE A CRIMINAL PENALTY FOR REFUSING A BREATH-ALCOHOL TEST WITHOUT A WARRANT?**

The Fifth District answered this question in the affirmative in *Williams v. State*, 5D14-3543 (Fla. 5th DCA June 5, 2015), a recent appellate decision involving a Constitutional challenge to the statute concerning refusal to submit to a breath-alcohol test. This is a summary of *Williams*. The full opinion is posted on the website of the Fifth District Court of Appeal.

On October 4, 2013, the Defendant, Williams, was arrested for driving under the influence. Less than twenty minutes later, the arresting officer asked Williams to submit to a breath test to determine his blood-alcohol content. Williams refused. The arresting officer did not have a warrant. Williams was issued five uniform traffic citations, including a citation for Refusal to Submit to a breath test in violation of section 316.1939, Fla. Stat. Under section 316.1939, it is a misdemeanor when a citizen refuses to take a "lawful test of his or her breath, urine, or blood" if he or she has previously refused such test. Here, Williams' record reflected a prior refusal to submit to a breath test. Williams filed a motion to dismiss the refusal charge on the basis that the statute was unconstitutional. The county court denied his motion, and Williams entered a no contest plea, but specifically reserved the right to appeal the issue of the constitutionality of the statute.

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The Fifth District Court of Appeal upheld the constitutionality of the statute. The Court noted that it is unconstitutional to criminalize or punish a person for exercising a Constitutional right. The Court, therefore, had to decide whether the arresting officer had a legal right to search Williams, in the form of a breath test, without a warrant. The Fifth District discussed several cases concerning the standard for a warrantless arrest under the Fourth Amendment.

In *Schmerber*, the U.S. Supreme Court addressed blood-alcohol tests in the context of the Fourth Amendment. In that case, the Supreme Court determined that the blood test did not require a warrant based on the exigent-circumstances exception.

In *McNeely*, the U.S. Supreme Court was asked to determine whether the natural metabolization of alcohol in the bloodstream presents a *per se* exigency that justifies an exception to the Fourth Amendment's warrant requirement for nonconsensual blood testing in *all* drunk driving cases. The Supreme Court concluded that a *per se* exigency did not exist in all drunk driving cases, and that exigencies must always be examined on a case-by-case basis based on the totality of the circumstances.

In *Williams*, the Fifth District noted that no Florida case specifically states what exception to the warrant requirement, if any, applies to breath-alcohol tests that are conducted immediately after a DUI arrest. The Fifth District noted that courts in other jurisdictions have found warrantless breath tests are justified in cases involving: (1) consent; (2) a search incident to arrest; or (3) general reasonableness.

After reviewing the out-of-state cases and discussing the relevant exceptions, the Fifth District held that warrantless breath-alcohol tests are justified as reasonable under the Fourth Amendment. Thus, Williams had no Fourth Amendment right to refuse the test because the statute was found to be Constitutional.

*By: Nicholas Merlin*



**CAN BIG BROTHER ALWAYS BE WATCHING?***U.S. v. Davis* (11<sup>th</sup> Cir. May 5, 2015)

Does “Big Brother” always need probable cause to track your movements as recorded through your cell phone’s interaction with cell towers? Last year, a three judge panel of the Eleventh Circuit Court of Appeals said, “YES”. However, after the U.S. Attorney’s Office for the Southern District of Florida filed a motion for rehearing, *en banc*, the full bench of the Eleventh Circuit judges overturned the panel’s decision and found probable cause was NOT needed. The Eleventh Circuit determined that obtaining a court order for the records based on reasonable grounds was sufficient. This case may soon go to the U.S. Supreme Court for further review because of “Big Brother” Privacy implications.

In this case, Quartavious Davis was one of six subjects indicted in Federal Court (Southern District of Florida) for his involvement in a number of highly violent armed robberies investigated by Miami-Dade detectives. There was extensive evidence, including DNA, fingerprint, and witness identification against the subjects. All of the subjects pled guilty prior to trial except Davis. At trial the government produced evidence from Davis’ cell phone company indicating that Davis’ cell phone was in the area of every robbery, except one, when the robberies were occurring. The government had received this information from the cell phone company after obtaining an order from a judge based on a provision of the SCA (Stored Communications Act U.S.C. Sect. 2703(d)) which provides that the location information could be given based on a standard of “reasonable grounds to believe the records sought are relevant and material to an ongoing criminal investigation”.... Although “probable cause” was not required, pursuant to the Act, the request still had to be approved by a judge who signed a court order based on “reasonable grounds”. The evidence was obtained and used against Davis and he was convicted and sentenced to 161 years. On appeal Davis argued that “probable cause” should have been required.

In 2014, a three judge panel of the Eleventh Circuit Court of Appeals agreed with Davis that “probable cause” was necessary. However, the Court did not overturn his conviction because the detectives had acted in “good faith” pursuant to a court order. The U.S. Attorney’s Office filed a motion for rehearing, *en banc*. On May 5, 2015, the full court overturned the panel’s decision requiring “probable cause”. Although this case occurred in the context of federal court and federal law, Florida has mandated that as to issues regarding the Fourth Amendment, Federal Law will be followed. This is especially important since there is no state law comparable to the Stored Communications Act regarding obtaining such records. The lesson in this case is to always include an attorney (either a prosecutor or FHP Legal Advisor) in your efforts to obtain cell phone location records from service providers to ensure they are legally obtained and usable in a criminal trial. Obtaining a warrant based on “probable cause” is the way to go in Florida.

*By: Michael Greenberg*

## CAN A VEHICLE BE STOPPED FOR FAILING TO MAINTAIN ITS LANE EVEN WHEN NO OTHER TRAFFIC IS AFFECTED?

In *Lomax v. State*, 148 So. 3d 119 (Fla. 1st DCA 2015), the First District Court of Appeal has made clear that failing to maintain its lane of travel by crossing over solid double yellow lines, no matter how brief, constitutes probable cause to stop and cite the driver for a violation of Section 316.0875, Florida Statutes. Lomax was observed traveling down a two-lane road separated by solid double yellow lines when his car began swerving with both the driver's side front and back tires traveling over the double yellow lines, so that the vehicle was partially in the oncoming lane of traffic. A police officer then conducted a traffic stop and issued Lomax a citation for violating a traffic control device. The officer later testified that when Lomax crossed the double yellow lines, he was not attempting to pass another car. He testified there were no oncoming cars or cars in front of Lomax, and that Lomax's driving did not interfere with any other vehicle.

Lomax filed a motion to suppress in which he argued that his swerving two tires over the double yellow lines was brief and did not constitute a violation of a traffic control device. He argued the purpose of the double yellow lines was to prohibit passing, not brief swerving. He also argued that because there was no evidence that he was passing or attempting to pass another vehicle, his brief swerving over the double yellow lines was not a traffic offense. Thus, he argued there was no probable cause for the traffic stop. The trial court denied his motion to suppress.

The First District Court of Appeal reviewed the trial court's denial of his motion to suppress and held that the "officer's testimony that he observed [Lomax's] front and back driver's side tires travel over the solid double yellow lines, so that the vehicle was partially in the oncoming lane of traffic, was competent, substantial evidence that appellant violated the traffic control device of double yellow lines." The district court concluded that Section 316.0875(2), Florida Statutes, specifically states that "no driver shall *at any time* drive ... on the left side of any pavement striping designed to mark such no-passing zone." Because the officer observed Lomax's car drive over the solid double yellow lines, no matter how brief it may have been, that constituted probable cause to stop and cite Lomax, even if no other traffic was affected by his actions.

Defense attorneys routinely cite *Crooks v. State*, 710 So. 2d 1041 (Fla. 2d DCA 1998) and *Hurd v. State*, 958 So. 2d 600 (Fla. 4th DCA 2007), to support the argument that failing to maintain a single lane does not warrant a stop due to reasonable suspicion of DUI. However, in *Harrington v. DHSMV*, Case No. 2D13-2651 (Fla. 2d DCA 2014), the Second District Court clarified that the problem with *Crooks* was that no one believed Crooks might be impaired. The Second District found that *Crooks* should not be regarded as even persuasive when a car is stopped late at night due to weaving and there is no evidence the driver is trying to avoid other traffic. The Second District Court stated, "Even when a car stays within a single lane, there are patterns of driving that may establish reasonable suspicion that the driver is impaired. That suspicion allows the officer to conduct a stop to determine whether the officer has probable cause to arrest the driver for DUI." *Lomax* further clarifies that a driver may be lawfully stopped for failing to maintain a single lane. *Lomax* can be used in conjunction with *Harrington* to refute the argument that conducting a stop for failing to maintain a single lane is unlawful unless other traffic is affected.

*By: Jason Helfant*

**DOES A BICYCLE WITH A GAS-POWERED MOTOR MEET THE STATUTORY DEFINITION OF A MOTOR VEHICLE AND REQUIRE A DRIVER LICENSE?**

A motor vehicle is defined in §322.01(27), Florida Statutes, which provides:

“Motor vehicle” means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and motorized bicycles as defined in s. 316.003.

A bicycle is defined in §316.003(2), Florida Statutes, which provides:

Bicycle. – Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. No person under the age of 16 may operate or ride upon a motorized bicycle.

A gas-powered bicycle does not meet the statutory definition of a bicycle because the definition is limited to bicycles with an electric helper motor. Because it does not meet the statutory definition in §316.003(2), Florida Statutes, a gas-powered bicycle is not exempted from the definition of a motor vehicle in §322.01(27), Florida Statutes. Therefore, a driver license is required to operate one.

In some cases, a gas-powered bicycle may meet the definition of a moped as defined in §320.01(27), Florida Statutes, which provides:

“Moped” means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

Accordingly, a gas-powered bicycle with a motor rated not in excess of 2 brake horsepower and not capable of speeds over 30 mph meets the statutory definition of a moped as long as displacement does not exceed 50 cc. Therefore, registration and a driver license are required.

*By: Damaris Reynolds*

**DOES A NON-RESIDENT FROM A STATE WHICH DOES NOT REQUIRE  
LICENSE PLATES ON TRAILERS VIOLATE FLORIDA LAW  
BY USING OUR TOLL ROADS WITHOUT A PLATE?**

Section 320.01, Florida Statutes, defines “motor vehicle” and “trailer” as follows:

- (1) “Motor vehicle” means:
  - (a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, special mobile equipment as defined in s. 316.003(48), vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.
  
- (4) “Trailer” means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

Because the definition of “motor vehicle” includes trailers, trailers which are registered in Florida (whether by residents or non-residents) must display license plates. Trailers registered in Alabama, South Carolina, and other states, countries or territories which do not require a trailer to display a plate, are exempt from Florida registration laws per §320.37(1), Florida Statutes. However, drivers must pay tolls when operating on toll roads in Florida.

Vehicles not required to display a plate must make cash payments or use a SunPass transponder. Drivers whose trailers obscure license plates should be issued a warning or citation when passing through a toll area without making payment. Failure to pay a toll is a moving violation, per §316.1001, Florida Statutes, and failure to comply with §338.155, Florida Statutes, may result in the assessment of a \$100 or more civil penalty, the assessment of court costs, the suspension of the vehicle registration or the driver's license.



*By: Damaris Reynolds*

## QUESTIONS ABOUT TAIL LIGHTS

**Q.** The Spring 2015 issue of *The Legal Highway* (pages 5 and 6) summarized *Heien v. North Carolina*, in which a vehicle was stopped for having a tail light out and drugs were found, but the case was ultimately dismissed. My question is whether we can stop a vehicle that has one tail light or head light out and write a ticket for faulty equipment?

**A.** *Heien v. North Carolina* is not a great case to rely on at the present time. As the article you referenced concluded, “further review is necessary before the impact of [*Heien*’s] holding...becomes known.” In plain English, this means we need to see how other courts interpret and apply this case before we know what to do with it. Generally, courts have not looked favorably upon mistakes of law by law enforcement as the second to last paragraph shows on page 10. However, courts do consider “good faith” in extenuating circumstances. For example, in *Montgomery* a vehicle was stopped for violating a noise statute. On appeal, the court found the statute unconstitutional, but upheld the stop since the officer relied upon the statute in good faith. *Montgomery v. State*, 69 So. 3d 1023 (Fla. 5th DCA 2011).

Section 316.610, Florida Statutes, is Florida’s main “unsafe equipment” statute. The Florida Supreme Court has held that in order “for a stop to be constitutional under the ‘not in proper adjustment or repair’ section” of the statute, “the equipment defect or damage must be in violation of the law.” *Hilton v. State*, 961 So. 2d 284, 290 (Fla. 2007). The court stated in *Hilton*, a case involving a cracked windshield, that the analysis must be done on a case-by-case basis to determine whether there was reasonable suspicion that the violation rendered the vehicle unsafe. Thus, the violation must violate the law, **and** render the vehicle a safety hazard/unsafe.

*Heien* dealt with brake lights or “stop lamps” as Florida law refers to them. The relevant statute is Section 316.222, Florida Statutes. This statute requires a vehicle, trailer, semi-trailer, etc., to be equipped with two or more stop lamps. As most vehicles these days have three stop lamps, left/center/right, if one of the three is not operable there is no violation of Section 316.222, Florida Statutes, and as a result, no violation of Section 316.610, Florida Statutes, as nothing unlawful is occurring. See *State v. Burger*, 921 So. 2d 847 (Fla. 2d DCA 2006)(stop invalid where Defendant’s vehicle had one broken brake light, but two other working brake lights as required by statute). So this driver could not be stopped for faulty equipment under Section 316.610, Florida Statutes.

Headlights (headlamps) are covered by Section 316.220, Florida Statutes, which requires every vehicle to be equipped with at least two headlamps showing a white light. If a vehicle has only one headlamp working, then you can stop the vehicle under Section 316.220, Florida Statutes, and/or under Section 316.610, Florida Statutes, because there is a violation, and the violation renders the vehicle a safety hazard/unsafe. See *State v. Thompson*, 622 So. 2d 1169 (Fla. 5th DCA 1993)(stop was lawful because car had only one operational headlight in violation of Sections 316.220, and 316.610, Florida Statutes); *DeGroat v. State*, 583 So. 2d 1105 (Fla. 5th DCA 1991)(as a matter of law, an officer should, and would, stop a vehicle at night without headlights for a safety violation).

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**Q.** Now, let's say there are two lights on the rear sides of the vehicle and one in the center. If one of the lights is out can we stop the vehicle? What if two are out?

**A.** As discussed above, one light of three is not sufficient to stop the vehicle. If two brake lights are out then Sections 316.222 and 316.610, Florida Statutes, would support a stop. The latter statute is violated because there is a violation, and the violation renders the vehicle a safety hazard/unsafe.

**Q.** What if we see a truck that has 2 headlights and 2 auxiliary lights and one of the headlights is out, but two auxiliary lights are working, can we stop the truck?

**A.** Section 316.220, Florida Statutes, states "Every motor vehicle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle...." Auxiliary lamps are covered under Section 316.233, Florida Statutes, which provides that "Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front...." So if one of the two headlamps is out we would be able to stop the vehicle because auxiliary lights do not take the place of headlamps.

**Q.** What if all lights are working on a car pulling a trailer? There are no lights on the trailer, but you can see the car lights. Is this a good stop?

**A.** Yes, this would be a good stop. Section 316.221, Florida Statutes, requires "Every motor vehicle, trailer, semitrailer...which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in s. 316.217, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except" for vehicles manufactured prior to January 1, 1972, which were originally equipped with only one tail lamp. "On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified." S. 316.221(1), Florida Statutes.

*By: Tom Moffett*

### **OGC NEWS AND NOTES**

Welcome to our new paralegal in Lake Worth, Christy Butala. Christy has experience in both private practice and in working with the State at the Department of Children and Families. We are so glad you have joined our team!

Congratulations to Paralegals Marianne Allen-Ocoee and Judy Medina-Miami who were recently awarded ABCD awards for going above and beyond the call of duty when we were short-handed in the legal department before Christy's arrival. You are greatly appreciated!

Congratulations to Michael Greenberg and Tom Moffett for a job well done in traffic court. Both Michael and Tom have done an excellent job of assisting FHP in the prosecution of tickets related to traffic homicide cases.

Many thanks to Hattie Jones-Williams and Danielle Roth for assisting the CVE unit with its foreclosures. Several of these lengthy proceedings were recently completed. Nice work, ladies!

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THAT'S WHAT WE'RE HERE FOR!!!***