

IN THE CIRCUIT COURT FOR THE
NINETEENTH JUDICIAL CIRCUIT IN AND
FOR ST LUCIE COUNTY, FLORIDA.
APPELLATE DIVISION

Circuit Case No. 13-AP-11
Petition for Writ of Certiorari

JOHN LONERGAN,

Petitioner,

v.

Not final until time expires for filing motion
for rehearing, and if filed, disposed of.

STATE OF FLORIDA, DEPARTMENT
OF HIGHWAY SAFETY AND
MOTOR VEHICLES,

Respondent.

Decision filed July 17, 2013.

Petition for writ of certiorari to the Department of Highway Safety and Motor Vehicles.

Michael Kessler, Fort Pierce, for petitioner.

Jason Helfant, Department of Highway Safety and Motor Vehicles, Lake Worth, for respondent.

PER CURIAM.

Oral argument was held on July 12, 2013. Counsel for the Petitioner presented argument, but counsel for the Respondent did not appear.

We find that there was reasonable suspicion for the officer to initiate the traffic stop and DUI investigation. However, the officers did not have probable cause to believe that the Petitioner was driving a motor vehicle while under the influence of alcohol. §322.2615(7)(b). Therefore, the hearing officer's findings and judgment are not supported by competent substantial evidence.

The petition for writ of certiorari is granted, and the hearing officer's decision is quashed.

METZGER, KLINGENSMITH, JJ., and ROBERTS, Acting Circuit Judge, concur.

Copies of above decision
were furnished to the attorneys/parties
of record on the same date
the decision was filed.