

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA,

v.

KARY RAYMOND JARVIS,
Defendant.

CASE NO.: 2020 305143 CFDB
JUDGE SANDRA C. UPCHURCH

ORDER GRANTING DEFENDANT'S MOTION TO SUPPRESS

THIS CAUSE having come before the Court upon the Defendant's Motion to Suppress statements and physical evidence, and having considered the evidence in the case and arguments by counsel, the Court makes the following findings of fact and conclusions of law:

On October 23, 2020, Kary Jarvis was driving a vehicle lawfully stopped by law enforcement for the infraction of failing to stop at a stop bar. Officers received his paperwork and decided to issue him a warning. The stop concluded, as did any lawfulness of his detention, once Mr. Jarvis received his warning, driver's license, and paperwork. Mr. Jarvis was free to leave as any normal citizen stopped for a traffic infraction would be.

The entirety of what occurred during the stop was captured on body cam which was entered into evidence. The Court has reviewed the videos and finds what occurred uncomfortable. The Court finds the videos are the best evidence of what occurred that day.

Despite the lawful purpose of the stop ending, officers asked for permission to search the vehicle. Mr. Jarvis exercised his constitutional right and denied permission. Despite Mr. Jarvis' denial, police continued to ask for consent and argued with Mr. Jarvis as to why he would not consent. The Court finds Mr. Jarvis was unlawfully detained after his first denial of consent.

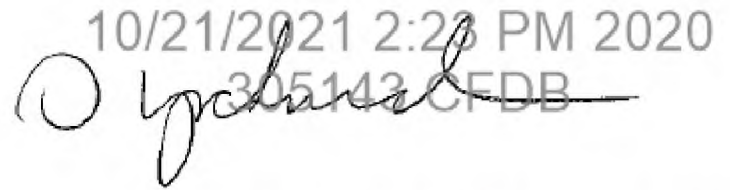
It is clear from the evidence presented that the officers were going to search Mr. Jarvis' vehicle whether they received consent or not. The Court finds the officers had no legal basis to search Mr. Jarvis' vehicle.

Mr. Jarvis attempted to exercise his right to leave. Officers prevented that from happening and attempted to unlawfully arrest him. Had officers allowed Mr. Jarvis to leave, as he was entitled to, no one would have gotten hurt. The injuries resulted from the officers own illegal activity.

Based on the defendant's arguments and case law presented, the defendant's motion to suppress is GRANTED.

2020-305143-CFDB

DONE AND ORDERED in Daytona Beach, Volusia County, Florida.

10/21/2021 2:23 PM 2020
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e-Signed 10/21/2021 2:23 PM 2020 305143 CFDB

SANDRA C. UPCHURCH
CIRCUIT JUDGE

Copies to:
Ashley N. Gilger, Assistant Public Defender
Mark Interlicchio, Assistant State Attorney