

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

STATE OF FLORIDA

CASE NO.: 2022-101651-CFDL

v.

IYANNA Y. ROLLINS,

Defendant.

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**ORDER DENYING MOTION TO SUPPRESS**

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This matter came before the Court for an evidentiary hearing upon the Defendant's Motion to Suppress filed pursuant to Fla. R. Crim. P. 3.190. The Court, having considered the motion and supporting memorandum of law, having heard testimony and argument, and having studied the pertinent case law, hereby finds as follows:

The Defendant is charged with two counts of Battery on a Law Enforcement Officer and two counts of Resisting an Officer with Violence, four felony offenses. The testimony at the hearing on the instant motion reflects that on July 18, 2022, Sergeant Chad Weaver of the Volusia County Sheriff's Department responded to a burglary alarm call in Deltona, Florida. Although the burglary alarm reportedly was located at 2639 Ainsworth Avenue, it is undisputed that Sergeant Weaver inadvertently turned onto Academy Avenue which was one street over from Ainsworth Avenue. According to Sergeant Weaver, he exited his vehicle and began approaching on foot the house that he believed was the location of the burglary alarm. Sergeant Weaver testified that he thought he was at the correct house on Ainsworth Avenue and that he believed he was at the right address until the very end of the incident. Sergeant Weaver's testimony and his body camera video in evidence reflect that as he approached the house on foot, he saw a silver vehicle with dark tinted

windows pulling out of the driveway of the subject house. The vehicle briefly pulled back into the driveway but then backed out again and drove toward Sergeant Weaver. According to the officer, he could not see the occupants of the vehicle because of the dark tinted windows. As the car moved toward him, Sergeant Weaver signaled with his hand for the driver to stop and gave verbal commands. After the vehicle stopped in the street, Sergeant Weaver asked the Defendant driver if she lived at the house, to which she answered that she did not. He then asked her why she was at the house, but she refused to answer that question. The officer further testified that he directed the Defendant to turn off the vehicle, but she refused and began to roll up her car window.

Sergeant Weaver testified that he became suspicious when the Defendant would not answer his question asking what she was doing at the house where he thought there may have been a burglary. The Defendant's violence began after Sergeant Weaver gave several verbal commands for her to turn off the car and then opened the door and reached into the vehicle to try to turn it off himself. The Defendant became irate and threatened to punch Sergeant Weaver. She then jumped out of the car yelling and hurling obscenities at Sergeant Weaver and telling him never to touch her. The body camera video shows her waving her hands around and pointing her finger in front of the officer's face, threatening to spit on him and screaming wildly. Sergeant Weaver testified that he tried to explain to the Defendant why he had stopped her but that she refused to listen because, as shown in the video, she had become quite irate and out of control. As a result, Sergeant Weaver attempted to restrain and secure the Defendant in handcuffs so that he could continue his burglary investigation. Although Weaver tried to explain to the Defendant that she was not under arrest but was being secured, she began actively resisting, shoving, punching and kicking Sergeant Weaver multiple times. After she finally was secured in handcuffs, the Defendant continued to resist and physically threaten Sergeant Weaver, including threats to bite him and spit on him. When

Deputy Muzzy responded to the scene and attempted to adjust the handcuffs because the Defendant claimed they were hurting her arm, the Defendant resisted and kicked Deputy Muzzy. This repeated violence on the law enforcement officers is what led to the Defendant's arrest and four felony charges.

In the instant motion, the Defendant asserts that the traffic stop was illegal and that, therefore, this Court should suppress all the evidence, including the identification of the Defendant. The Defendant argues that there was no reasonable suspicion to support the officer's investigatory stop and thus no legal basis for the stop. The State argues that Sergeant Weaver had a well founded suspicion for his investigatory stop and that his mistake of fact regarding the correct location of the house was reasonable given the circumstances. The State also points out that a defendant may not resist, make threats against, or commit violence on a law enforcement officer even if the stop is illegal.

Sergeant Weaver testified that he made an investigatory stop of the Defendant to find out why she was at the house where he in good faith believed the burglary alarm was located. In order to justify an investigatory stop, law enforcement must have specific, articulable facts that would warrant an officer of reasonable caution to believe that a person has committed, is committing, or is about to commit, a crime. State v. Champers, 125 So. 3d 337 (Fla. 5th DCA 2013), citing Popple v. State, 626 So. 2d 185, 186 (Fla. 1993). "[T]he reasonable suspicion standard requires courts to examine the totality of circumstances, or 'whole picture,' to determine whether the detaining officers had a 'particularized and objective basis' for suspecting the person stopped of criminal activity. The particularity requirement means the officer's suspicion must be grounded in specific, articulable facts, while the objectivity requirement means courts must 'view the facts and circumstances through the lens of a reasonable police officer giving due consideration to his or her

training and experience.” Champers, 125 So. 3d at 340, quoting Price v. State, 120 So. 3d 198, 200 (Fla. 5th DCA 2013). In addition to specific and articulable facts, courts may also consider rational inferences from those facts. Wallace v. State, 8 So. 3d 492, 494 (Fla. 5th DCA 2009). “The determination of reasonable suspicion must be based on commonsense judgments and inferences about human behavior.” Champers, at 340, quoting Illinois v. Wardlow, 528 U.S. 119 (2000). Also, if the totality of the circumstances is ambiguous, involving conduct that could be interpreted as either lawful or as criminal activity, law enforcement may detain an individual to resolve the ambiguity. Champers, at 341.

Objectively viewing the totality of the circumstances from the perspective of the experienced officer, this Court concludes that Sergeant Weaver had reasonable suspicion to stop and detain to investigate the Defendant. Regarding Sergeant Weaver’s mistake of fact as to the correct house, a traffic stop based on an officer’s incorrect but reasonable assessment of the facts does not violate the Fourth Amendment. State v. Wimberly, 988 So. 2d 116, 119 (Fla. 5th DCA 2008). “If an officer makes a traffic stop based on a mistake of fact, the court must determine whether the officer’s mistake of fact was reasonable,” and great deference must be given to the judgment of a trained law enforcement officer “on the scene.” Id. Based on his testimony, the Court determines that Sergeant Weaver’s mistake of fact was reasonable.

Additionally, pursuant to Section 776.051, Florida Statutes, “[a] person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.” Thus, a defendant is statutorily prohibited from using violence to resist her arrest by law enforcement officers even if the arrest is illegal. A.W. v. State, 82 So. 3d 1136 (Fla. 4th DCA

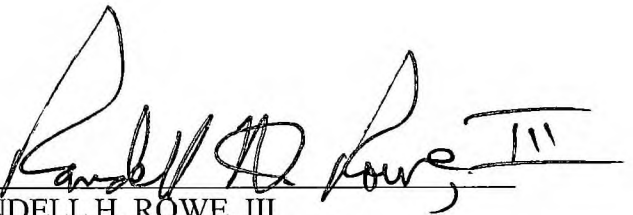
2012); State v. Roy, 944 So. 2d 403 (Fla. 3d DCA 2006); Jones v. State, 570 So. 2d 433 (Fla. 5th DCA 1990).

Based on the foregoing, it is hereby

**ORDERED AND ADJUDGED:**

That the Defendant's Motion to Suppress is denied.

**DONE AND ORDERED** in DeLand, Volusia County, Florida, this 17<sup>th</sup> day of July 2023.

  
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RANDELL H. ROWE, III  
CIRCUIT JUDGE

Copies to:

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Brice L. Aikens, Esq.