

SUPREME COURT OF FLORIDA

Tedder v. State

12 So. 3d 197 (Fla. 2009) · No. SC08-1055 · Decided June 4, 2009

SUMMARY

The Supreme Court of Florida declined to accept jurisdiction over Tedder v. State because the portion of the Second District Court of Appeal's decision addressing retention of a driver's license during interrogation did not receive a majority vote. The court held that the analysis therefore was not a decision of the district court for purposes of conflict jurisdiction and did not constitute Florida appellate precedent.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Quince, C.J.; Lewis, J.; Polston, J.; Labarga, J.; Perry, J.; Canady, J., recused; Pariente, J., did not participate
JURISDICTION	Florida
DECIDED	June 4, 2009
DOCKET	SC08-1055
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The Supreme Court of Florida conducted discretionary jurisdictional review of a Second District Court of Appeal decision and declined to accept jurisdiction.
STANDARD OF REVIEW	The court applied the constitutional and statutory requirements for discretionary conflict jurisdiction, asking whether the district court decision was a majority-endorsed decision that expressly and directly conflicted with controlling precedent.
PRECEDENTIAL VALUE	Published Florida Supreme Court decision binding on its jurisdictional rule and on the precedential effect of non-majority appellate analyses; the special concurrence is not independently controlling.
PARTIES	Gaynor Earl Tedder, Jr. v. State of Florida

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure
- suppression of evidence

PRACTICE AREAS

appellate procedure

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida had discretionary conflict jurisdiction to review a portion of a district court decision whose analysis on the purported conflict issue was endorsed by only one judge.
2. Whether a district court's non-majority or non-plurality analysis constitutes Florida appellate precedent capable of supporting conflict jurisdiction.

HOLDINGS

1. The Supreme Court of Florida lacked jurisdiction to review the license-retention portion of the Second District's decision because that analysis did not garner a majority vote and therefore was not a decision of a district court of appeal within the meaning of article V, section 3(b)(3) of the Florida Constitution.
2. The license-retention analysis did not constitute Florida appellate precedent because it was endorsed by neither a majority nor a plurality of the district court.

KEY QUOTATIONS

"We have determined that we should decline to accept jurisdiction because the portion of Tedder v. State, 33 Fla. L. Weekly D704, ___ So.3d ___, 2008 WL 612313 (Fla. 2d DCA Mar.7, 2008), that addressed the purported conflict issue (i.e., police retention of an individual's driver's license followed by interrogation) did not garner a majority vote and, hence, was not a "decision of a district court of appeal" within the meaning of article V, section 3(b)(3)." (12 So. 3d at 197)

"The license-retention analysis provided below did not garner a majority or plurality vote; therefore, Florida appellate courts must presume that the trial court order was affirmed on the basis of the trial court's reasoning, which is not appellate precedent in the Second District or any other district court of appeal." (12 So. 3d at 198)

FACTUAL BACKGROUND

The underlying case involved police retention of Tedder's driver's license followed by interrogation and a motion to suppress statements. The Second District affirmed the denial of suppression, but only one judge supported the analysis concerning whether the license retention constituted a seizure or otherwise affected the interrogation. Two judges agreed on the result without providing a shared analysis.

PROCEDURAL HISTORY

The Second District affirmed the denial of Tedder's motion to suppress statements, but its license-retention analysis did not receive a majority vote. The Supreme Court determined that the relevant portion was not a decision of a district court of appeal for purposes of discretionary conflict jurisdiction and denied review.

DISPOSITION

writ_denied

CASES CITED

- Kennedy v. Kennedy, 641 So. 2d 408, 409 (Fla. 1994)
- Burns v. State, 676 So. 2d 1366, 1366 (Fla. 1996)
- Seaboard Air Line Railroad v. Branham, 104 So. 2d 356, 358 (Fla. 1958)
- Dale v. Jennings, 90 Fla. 234, 107 So. 175, 181 (1926)
- State v. McClung, 47 Fla. 224, 37 So. 51, 52 (1904)
- Brye v. State, 927 So. 2d 78 (Fla. 1st DCA 2006)
- Barna v. State, 636 So. 2d 571 (Fla. 4th DCA 1994)
- Pardo v. State, 596 So. 2d 665, 666 (Fla. 1992)
- Golphin v. State, 945 So. 2d 1174, 1185 (Fla. 2006)
- United States v. Johnson, 326 F.3d 1018, 1022 (8th Cir. 2003)