

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

State of Florida v. Ariel Paul

Paul · No. 3D25-0037 · Decided May 6, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed an order granting Ariel Paul’s motions to suppress in a DUI prosecution. The court held that the trial court did not abuse its discretion by denying the State’s request for a continuance after three subpoenaed officers failed to appear, because the State had not contacted the officers, confirmed their attendance, or explained their absence.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Gooden, J.; Lindsey, J.; Lobree, J.
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	May 6, 2026
DOCKET	3D25-0037
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the county court's order granting Ariel Paul's motions to suppress evidence in a driving-under-the-influence prosecution.
STANDARD OF REVIEW	A trial court's ruling on a motion for continuance is reviewed for abuse of discretion; reversal requires a palpable abuse that clearly and affirmatively appears in the record. Review is contextual and dependent on the circumstances presented.
PRECEDENTIAL VALUE	Published opinion
PARTIES	State of Florida v. Ariel Paul

TOPICS

- criminal procedure
- suppression of evidence
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal procedure
- Appellate procedure
- Evidence

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying the State's request for a continuance to secure the testimony of subpoenaed officers who failed to appear at a rescheduled suppression hearing.

HOLDINGS

1. The trial court did not abuse its discretion in denying the State's request for a continuance because the State failed to demonstrate due diligence in securing the remaining officers' appearance.

KEY QUOTATIONS

“Granting a continuance is within a trial court’s discretion, and the court’s ruling will be disturbed only when that discretion has been abused.” (at 2)

“In criminal cases an application for a continuance is addressed to the sound judicial discretion of the trial court, and the denial of such a motion should not be reversed by an appellate court unless there has been a palpable abuse of this judicial discretion. This abuse of discretion must clearly and affirmatively appear in the record.” (at 2)

“Review is contextual, very much dependent on the ‘circumstances’ presented in each case.” (at 2)

FACTUAL BACKGROUND

Following a motor vehicle accident, officers found Paul unconscious behind the steering wheel. After he was cleared of injuries, officers administered field sobriety exercises, arrested him based on his performance, advised him of his Miranda rights, and obtained no breath sample because he refused one. At the suppression hearing, one subpoenaed officer testified, while three other subpoenaed officers failed to appear at the rescheduled hearing despite being instructed to return. The State had not contacted or confirmed the officers' attendance and offered no explanation for their absence.

PROCEDURAL HISTORY

After Paul was arrested for driving under the influence and refused to provide a breath sample, he moved to suppress evidence. At the suppression hearing, one subpoenaed officer testified, but three other subpoenaed State witnesses failed to appear at the rescheduled hearing. The State requested a continuance to secure their testimony, but the trial court denied the request and granted Paul's suppression motions. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Bouie v. State, 559 So. 2d 1113, 1114 (Fla. 1990)
- Magill v. State, 386 So. 2d 1188, 1188 (Fla. 1980)
- Madison v. State, 132 So. 3d 237, 240 (Fla. 1st DCA 2013)

- State v. McCarthy, 585 So. 2d 1167, 1168 (Fla. 4th DCA 1991)
- State v. Lawrence, 560 So. 2d 400, 401 (Fla. 4th DCA 1990)
- State v. Bercaw, 363 So. 3d 124, 126 (Fla. 1st DCA 2023)
- Gerald v. State, 674 So. 2d 96, 99 (Fla. 1996)

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