

FLORIDA THIRD DISTRICT COURT OF APPEAL

Damicela Iglesias Torralba v. State of Florida

No. 3D24-1103 (Fla. 3d DCA Nov. 5, 2025) · No. No. 3D24-1103 · Decided November 5, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the circuit court’s ruling in Damicela Iglesias Torralba’s criminal case. The court addressed the evaluation of body-camera evidence and whether the appellant’s conduct constituted voluntary consent to a search under the totality of the circumstances.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez, J.; Miller, J.; Gooden, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	November 5, 2025
DOCKET	No. 3D24-1103
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County concerning the trial court's findings regarding the voluntariness and existence of consent during a police encounter and search.
STANDARD OF REVIEW	Findings based on live testimony are reviewed for competent, substantial evidence; findings based on the court's review of body-camera footage are reviewed under a less deferential standard.
PRECEDENTIAL VALUE	published
PARTIES	Damicela Iglesias Torralba v. State of Florida

TOPICS

- search and seizure
- fourth amendment
- suppression of evidence
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- search and seizure
- appellate procedure

QUESTIONS PRESENTED

1. What standard of review applies to trial-court findings based on officers' live testimony versus findings based on body-camera footage?
2. Whether the totality of the circumstances established that Torralba voluntarily consented to the search under the Fourth Amendment.

HOLDINGS

1. Findings based on officers' live testimony are reviewed under the competent, substantial evidence standard, while findings based on the appellate court's review of body-camera footage receive substantially less deference.
2. The trial court's determination that the circumstances established voluntary consent was affirmed.

KEY QUOTATIONS

“Affirmed.” (slip op. at 1)

“[W]e review the trial court's findings that are based on hearing each [officer]’s live testimony under the ordinary ‘competent and substantial evidence’ standard. However, to the extent that the trial court’s findings are based on viewing the [bodycam footage], which this court of course has also viewed, we utilize a much less deferential standard.” (slip op. at 1)

“[T]he totality of the circumstances controls in cases involving the Fourth Amendment.” (slip op. at 1)

“Consent to search may be in the form of conduct, gestures, or words.” (slip op. at 2)

FACTUAL BACKGROUND

The opinion is a brief per curiam affirmance and does not set out the underlying factual narrative in detail. The cited authorities indicate that the appeal involved whether Torralba voluntarily consented to a search during a police encounter, with the trial court considering officer testimony and body-camera footage. The court relied on the totality of the circumstances, including Torralba's words and conduct and the absence or presence of coercive circumstances.

PROCEDURAL HISTORY

Torralba appealed from the Miami-Dade County Circuit Court. The Third District Court of Appeal affirmed the trial court's ruling, applying differing standards of review to findings based on live testimony and body-camera footage.

DISPOSITION

affirmed

CASES CITED

- Black v. State, 59 So. 3d 340, 344 (Fla. 4th DCA 2011)
- Hall v. State, 414 So. 3d 345, 348 (Fla. 5th DCA 2025)

- State v. Baez, 894 So. 2d 115, 117 (Fla. 2004)
- State v. Gamez, 34 So. 3d 245, 247-49 (Fla. 2d DCA 2010)
- State v. Ojeda, 147 So. 3d 53, 58 (Fla. 3d DCA 2014)
- Luna-Martinez v. State, 984 So. 2d 592, 600 (Fla. 2d DCA 2008)
- Golphin v. State, 945 So. 2d 1174, 1193 (Fla. 2006)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed November 5, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1103 Lower Tribunal Nos. F19-15745, F19-23949, F20-12435, F21-13392, F23-16943 _____ Damicela Iglesias Torralba, Appellant, vs. State of Florida, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Laura Shearon Cruz, Judge.

Carlos J. Martinez, Public Defender, and Jennifer Thornton, Assistant Public Defender, for appellant. James Uthmeier, Attorney General, and Haccord J. Curry, Assistant Attorney General, for appellee. Before FERNANDEZ, MILLER, and GOODEN, JJ. PER CURIAM. Affirmed. See Black v. State, 59 So. 3d 340, 344 (Fla. 4th DCA 2011) (“[W]e review the trial court's findings that are based on hearing each [officer]’s live testimony under the ordinary ‘competent and substantial evidence’ standard.

However, to the extent that the trial court’s findings are based on viewing the [bodycam footage], which this court of course has also viewed, we utilize a much less deferential standard.”); Hall v. State, 414 So. 3d 345, 348 (Fla. 5th DCA 2025) (“We have reviewed the video evidence, and we conclude that [a]ppellant’s actions resolved any arguable ambiguity in h[er] spoken words and established consent....”); State v. Baez, 894 So.

2d 115, 117 (Fla. 2004) (“[T]he totality of the circumstances controls in cases involving the Fourth Amendment.”); State v. Gamez, 34 So. 3d 245, 247–49 (Fla. 2d DCA 2010) (“Consent to search may be in the form of conduct, gestures, or words.... [T]here was no evidence that [appellant] suffered from a vulnerable, subjective state, caused by a mental condition, age, intelligence, or education.

We also note that there was no evidence of a coercive circumstance or any coercive conduct by [the officers], such as a show of force, threatening conduct, a prolonged detention, or deception.” (internal citations omitted)); State v. Ojeda, 147 So. 3d 53, 58 (Fla. 3d DCA 2014) (“[Appellant] volunteered to ‘cooperate with whatever [she was] asked.’ [Officer Rivera] then asked h[er] to sign the consent form.

2 [Appellant] did so upon the first request.”); *Luna-Martinez v. State*, 984 So. 2d 592, 600 (Fla. 2d DCA 2008) (“A suspect is more likely to be overawed by one officer speaking in an insistent, demanding tone than is a suspect who is addressed in a low-key manner in an encounter with several officers.... Even though the presence of such a number of officers might heighten the potential for coercion, given the other circumstances present here, we conclude that the number of officers present did not have a coercive impact on [appellant].”); *Golphin v. State*, 945 So.

2d 1174, 1193 (Fla. 2006) (“[T]his otherwise consensual encounter did not mature into a seizure simply because the police retained [appellant]’s identification which [s]he had consensually and voluntarily produced....”). 3