

SUPREME COURT OF FLORIDA

Tillman v. State

934 So. 2d 1263 (Fla. 2006) · No. SC02-717 · Decided July 6, 2006

SUMMARY

The Supreme Court of Florida held that section 776.051(1), Florida Statutes, which bars the use of force to resist an arrest by a known law enforcement officer, applies only when an actual arrest is occurring. For prosecutions involving battery on a law enforcement officer or resisting an officer with violence outside an arrest scenario, the State must prove that the officer was engaged in the lawful performance or execution of a legal duty. The court approved *Taylor v. State*, quashed the Fifth District's decision, and remanded for reconsideration of Tillman's motion for judgment of acquittal under standards governing warrantless entry, detention, and frisking.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Pariente, J.; Lewis, C.J.; Wells, J.; Anstead, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	July 6, 2006
DOCKET	SC02-717
DISPOSITION	quashed
PROCEDURAL POSTURE	Review of a district court decision affirming convictions and sentences for aggravated battery on a law enforcement officer and resisting an officer with violence. The Supreme Court of Florida exercised conflict jurisdiction.
STANDARD OF REVIEW	De novo review of statutory construction; sufficiency of the evidence reviewed to determine whether the State presented prima facie evidence of the statutory lawful-execution element sufficient to submit the case to the jury.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida
PARTIES	Ernest Tillman v. State of Florida

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether section 776.051(1), Florida Statutes, which eliminates justification for using force to resist an arrest by a law enforcement officer, applies to police-citizen encounters that do not involve an actual arrest.
2. Whether, in prosecutions under sections 784.07(2) and 843.01 occurring outside an arrest scenario, the State must prove that the officer was acting lawfully in performing or executing the particular legal duty at issue.
3. What legal standards govern determination of the lawful-performance or lawful-execution element when the officer enters a home or its curtilage, detains a person, or frisks the person for weapons.

HOLDINGS

1. Section 776.051(1), Florida Statutes, applies by its plain terms only when a defendant uses force to resist an actual arrest by a law enforcement officer; it does not extend to non-arrest encounters such as investigative detentions, patdowns, or other police-citizen contacts.
2. For prosecutions under sections 784.07(2) and 843.01 arising outside an arrest scenario, the State must prove that the officer was engaged in the lawful performance or lawful execution of the particular legal duty at the time of the assault, battery, or violent resistance.
3. Courts must apply the legal standards governing the specific duty undertaken by the officer at the point when the alleged assault, battery, or violent resistance occurred, rather than a subjective or generalized reasonable-officer test.

KEY QUOTATIONS

“We conclude that the statute, by its plain terms, applies only to arrest situations.” (1266)

“Accordingly, we agree with the First District in Taylor and hold that section 776.051(1) is limited by its plain terms to situations involving an actual arrest.” (1270)

“Therefore, in construing the lawful execution element of sections 784.07(2) and 843.01, courts must apply the legal standards governing the duty undertaken by the law enforcement officer at the point that an assault, battery, or act of violent resistance occurs.” (1271)

“In this case, those limits are found in Fourth Amendment precedent such as Payton and Terry as well as section 901.151(2), Florida Statutes.” (1274)

FACTUAL BACKGROUND

Deputy Duncan and backup officers entered a screened pool enclosure at a residence while investigating a threat. Deputy Henriquez stopped Tillman, conducted a nonconsensual patdown, and later prevented Tillman from leaving. Tillman placed Henriquez in a headlock and resisted until officers pepper-sprayed him. The State charged and obtained convictions for aggravated battery on a law enforcement officer and resisting an officer with violence.

PROCEDURAL HISTORY

A jury convicted Tillman under sections 784.07(2)(d) and 843.01, Florida Statutes. The Fifth District Court of Appeal affirmed after rejecting Tillman's argument that the State failed to prove the officer was engaged in the lawful execution of a legal duty. The Supreme Court accepted review because the Fifth District's decision expressly and directly conflicted with *Taylor v. State* and quashed the Fifth District's decision.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The Fifth District Court of Appeal was directed to reconsider the denial of Tillman's motion for judgment of acquittal under the standards stated in the opinion, including whether the State established that the officer was lawfully executing a legal duty.

CASES CITED

- *Tillman v. State*, 807 So. 2d 106 (Fla. 5th DCA 2002)
- *Taylor v. State*, 740 So. 2d 89 (Fla. 1st DCA 1999)
- *State v. Barnard*, 405 So. 2d 210 (Fla. 5th DCA 1981)
- *Lowery v. State*, 356 So. 2d 1325 (Fla. 4th DCA 1978)
- *State v. Espinosa*, 686 So. 2d 1345 (Fla. 1996)
- *Clines v. State*, 912 So. 2d 550, 555 (Fla. 2005)
- *State v. Ruiz*, 863 So. 2d 1205, 1209 (Fla. 2003)
- *State v. Burris*, 875 So. 2d 408, 410 (Fla. 2004)
- *Ady v. American Honda Finance Corp.*, 675 So. 2d 577, 581 (Fla. 1996)
- *Carlile v. Game & Fresh Water Fish Commission*, 354 So. 2d 362, 364 (Fla. 1977)
- *Guerrier v. State*, 811 So. 2d 852, 854 n. 2 (Fla. 5th DCA 2002)
- *State v. Rife*, 789 So. 2d 288, 292 (Fla. 2001)
- *State v. Jett*, 626 So. 2d 691, 693 (Fla. 1993)
- *Perkins v. State*, 682 So. 2d 1083, 1085 (Fla. 1996)
- *Holly v. Auld*, 450 So. 2d 217 (Fla. 1984)
- *N.H. v. State*, 890 So. 2d 514, 516 (Fla. 3d DCA 2005)
- *State v. Anderson*, 639 So. 2d 609, 610-11 (Fla. 1994)

- Whren v. United States, 517 U.S. 806, 808, 814, 819 (1996)
- Holland v. State, 696 So. 2d 757, 759 (Fla. 1997)
- Payton v. New York, 445 U.S. 573, 590 (1980)
- Brigham City v. Stuart, 126 S. Ct. 1943, 1947 (2006)
- Riggs v. State, 918 So. 2d 274, 279 (Fla. 2005)
- United States v. U.S. District Court, 407 U.S. 297, 318 (1972)
- Illinois v. Rodriguez, 497 U.S. 177, 192 (1990)
- Terry v. Ohio, 392 U.S. 1, 21, 27 (1968)
- United States v. Cortez, 449 U.S. 411, 417-18 (1981)
- United States v. Sokolow, 490 U.S. 1, 7 (1989)
- J.L. v. State, 727 So. 2d 204, 206 (Fla. 1998), aff'd, 529 U.S. 266 (2000)
- State v. Washington, 884 So. 2d 97, 100 (Fla. 2d DCA 2004)
- Smith v. State, 592 So. 2d 1206, 1208 (Fla. 2d DCA 1992)