

SUPREME COURT OF FLORIDA

Jermaine D. English v. State of Florida

191 So. 3d 448 (Fla. 2016) · No. SC14-2229 · Decided May 12, 2016

SUMMARY

The Supreme Court of Florida reviewed whether a hanging tag light and attached wires obstructing a vehicle’s license plate violated section 316.605(1), Florida Statutes. The court held that the statute plainly requires a license plate to remain visible and legible at all times, regardless of whether the obscuring matter is on or external to the plate. It approved the Fifth District’s decision in *State v. English* and disapproved the Second District’s contrary decision in *Harris v. State*.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Labarga, C.J.; Lewis, J.; Quince, J.; Canady, J.; Polston, J.; Perry, J.; Pariente, J.
JURISDICTION	Florida
DECIDED	May 12, 2016
DOCKET	SC14-2229
DISPOSITION	approved
PROCEDURAL POSTURE	Review of a decision of the Fifth District Court of Appeal based on express and direct conflict with a decision of the Second District Court of Appeal concerning the interpretation of section 316.605(1), Florida Statutes.
STANDARD OF REVIEW	De novo review applies to the interpretation of section 316.605(1), Florida Statutes, because statutory interpretation is a purely legal question.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding statewide precedent.
PARTIES	Jermaine D. English v. State of Florida

TOPICS

- statutory interpretation
- plain meaning rule
- criminal procedure
- suppression of evidence
- appellate jurisdiction

PRACTICE AREAS

criminal procedure

statutory interpretation

traffic stops

suppression of evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether section 316.605(1), Florida Statutes, requires a vehicle's license plate to remain plainly visible and legible at all times regardless of whether the obscuring matter is on the plate or external to it.
2. Whether a tag light and attached wires hanging in front of and obscuring a license plate constitute a violation of section 316.605(1) sufficient to justify a traffic stop.
3. Whether the Fifth District's interpretation of section 316.605(1) conflicted with the Second District's interpretation in *Harris v. State*.

HOLDINGS

1. Section 316.605(1) does not distinguish between obscuring matter located on the license plate and obscuring matter located external to the license plate. The statute requires the plate to be plainly visible and legible at all times.
2. A tag light hanging down in front of a license plate and obscuring its alphanumeric designation constitutes a violation of section 316.605(1).
3. The officers made a proper traffic stop based on the violation of section 316.605(1), and the evidence from the stop should not have been suppressed.

KEY QUOTATIONS

"We conclude that the plain language of section 316.605(1) is clear and unambiguous, and requires that a license plate be plainly visible and legible at all times without regard to whether the obscuring matter is on or external to the plate." (191 So. 3d at 448)

"Therefore, we hold that section 316.605(1) does not distinguish between obscuring matter that is on or external to the license plate." (191 So. 3d at 452)

"Accordingly, we conclude that a tag light, hanging down in front of a license plate, obscuring its alphanumeric designation, constitutes a violation of section 316.605(1)." (191 So. 3d at 452)

FACTUAL BACKGROUND

Two Orlando police officers stopped English after observing that a tag light and attached wires were hanging down in front of the vehicle's license plate. The obstruction prevented the officers from reading at least one letter on the plate; the plate became readable only momentarily when the vehicle turned and the wires shifted. Evidence seized during the stop led to criminal charges, and English moved to suppress that evidence on the ground that the traffic stop was invalid.

PROCEDURAL HISTORY

English was stopped after police observed a hanging tag light and attached wires obstructing his license plate. The trial court granted his motion to suppress evidence, finding that he had not violated section 316.605(1) and

that the stop therefore lacked a basis. The Fifth District reversed, concluding that the obscured plate violated the statute. The Florida Supreme Court accepted review, approved the Fifth District's decision, and disapproved the conflicting decision of the Second District in Harris.

DISPOSITION

approved

CASES CITED

- State v. English, 148 So. 3d 529 (Fla. 5th DCA 2014)
- Harris v. State, 11 So. 3d 462 (Fla. 2d DCA 2009)
- Kasischke v. State, 991 So. 2d 803, 807 (Fla. 2008)
- Trinidad v. Fla. Peninsula Ins. Co., 121 So. 3d 433, 439 (Fla. 2013)
- Daniels v. Fla. Dep't of Health, 898 So. 2d 61, 64 (Fla. 2005)
- Polite v. State, 973 So. 2d 1107, 1111 (Fla. 2007)
- State v. Burris, 875 So. 2d 408, 410 (Fla. 2004)
- Acosta v. Richter, 671 So. 2d 149, 153-154 (Fla. 1996)
- Bush v. Holmes, 919 So. 3d 392, 408 (Fla. 2006)
- State v. Hearn, 961 So. 2d 211, 219 (Fla. 2007)
- In re Nicholas Y., 85 Cal. App. 4th 941, 942 (Cal. Ct. App. 2000)
- Commonwealth v. DiPietro, 604 N.E.2d 1344, 1345-1346 (Mass. App. Ct. 1992)
- State v. Kasnett, 297 N.E.2d 537, 540 (Ohio 1973)
- Joyce v. United States, 454 F.2d 971, 976 (D.C. Cir. 1971)
- People v. Brumley, 51 Cal. Rptr. 131, 134 (Cal. Ct. App. 5th 1966)
- State v. Thompson, 43 S.W.3d 516, 525 (Tenn. Crim. App. 2000)
- State v. Stout, 958 S.W.2d 32, 34 (Mo. App. E.D. 1997)
- Dinkens v. City of Aberdeen, 42 So. 2d 744, 744 (Miss. 1949)
- Tinsley v. Carwile, 10 N.E.2d 597, 600 (Ind. 1937)