

FLORIDA CASE LAW UPDATE 15-08

Case: Rodriguez v. State, 40 Fla. L. Weekly S691a (Fla. 2015)

Date: December 10, 2015

Subject: Evidence of marijuana cultivation should have been suppressed when police did not attempt to obtain a search warrant, but searched the home based solely on consent given from the handcuffed resident

FACTS: Bail bondsmen were tracking a client who listed Rodriguez's home on the bond application. When bondsmen went to Rodriguez's house, he answered the door and said he was alone and did not know their client. He allowed the bondsmen to search the home, including a locked bedroom, to determine that their client was not hiding. When Rodriguez unlocked the bedroom door, the bondsmen were able to see marijuana plants and grow lights. Additionally, Rodriguez admitted that he was growing marijuana in there. One of the bondsmen then called police to report to the marijuana cultivation. A uniformed police officer reported to the home and Rodriguez allowed him to enter and see the marijuana grow room. The officer then called narcotics detectives. The officer and the bondsmen were able to smell the marijuana even outside the home. Rodriguez was handcuffed and placed in the backseat of the officer's vehicle awaiting the detectives' arrival. The bondsmen stayed on scene and spoke to detectives when they arrived. The lead detective obtained a signed consent form from Rodriguez to search the home. After detectives searched the home and found six-foot marijuana plants, lights, and 36 pounds of marijuana, they arrested Rodriguez.

Rodriguez filed a motion to suppress. Rodriguez testified that he only signed the consent to search because the detectives had guns and most of them were wearing masks. At no time did law enforcement make any efforts to obtain a search warrant before narcotics detectives entered the home or before Rodriguez was arrested. The State argued that the evidence found in the search should not be suppressed because of the "inevitable discovery doctrine." The doctrine is a creation of case law and requires the State to show two things: (1) there was an ongoing investigation; and (2) the facts already known by the police would have inevitably led to the evidence, despite the improper procedure. Although the trial court and the Third District Court of Appeal agreed that the doctrine applied, the Florida Supreme Court disagreed and found that the evidence should have been suppressed.

RULING: The Supreme Court concluded that although the police already had probable cause that there existed evidence of the marijuana cultivation before the search, they did not pursue a legal means to obtain the evidence. The State could not show that law enforcement would have inevitably obtained the evidence legally, because the consent to search the home was not valid and there was no attempt to obtain a search warrant.

DISCUSSION: Although the courts who presided over this case disagreed about the applicability of the inevitable discovery doctrine, they unanimously found that Rodriguez's consent to search the home was coerced. The Supreme Court noted that Rodriguez was handcuffed at the time he was asked for consent and had to be unhandcuffed in order to sign the consent form. In addition, the fact that Rodriguez testified that the detectives had guns and masks undoubtedly contributed to the courts' finding that the consent was coerced in this case. The Supreme Court also noted that there was no exigency in this case, nor was there any indication that the evidence would be removed or destroyed—Rodriguez was never left alone after the bondsmen arrived at the home. The Court was heavily persuaded by the fact that the police never attempted to obtain a search warrant in this case. The Court stated: "[P]rosecutors may not be permitted to benefit from the violation of constitutional rights. We cannot apply the inevitable discovery rule in every case where the police had probable cause to obtain a warrant but simply failed to get one."

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Officers should consult with their agency legal advisors to confirm the interpretation provided in this Update and to determine to what extent the case discussed will affect their activities.