

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D19-835

AUSTIN CHASE MELLACI,

Appellee.

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Opinion filed October 25, 2019

Appeal from the Circuit Court  
for Orange County,  
Bob Leblanc, Judge.

Ashley Moody, Attorney General, Tallahassee,  
and Deborah A. Chance, Assistant Attorney  
General, Daytona Beach, for Appellant.

Michael T. McGinn, and Corey I. Cohen, of Law  
Office of Corey I. Cohen, Orlando, for Appellee.

HARRIS, J.

The State appeals the trial court's order granting Austin Melacci's motion to dismiss. We agree with the State that the trial court erred when it attempted to divine the officer's reason for making the traffic stop in this case. See Holland v. State, 696 So. 2d 757, 759 (Fla. 1997) ("[A]pplying the objective test, generally the only determination to be made is whether probable cause existed for the stop in question."). Here, the officer

testified that he stopped Melacci after observing him weaving across several lanes of rush hour traffic and causing nearby drivers to brake and take other evasive measures. The evidence showed that the officer had probable cause to believe that Melacci had committed one or more traffic violations. The trial court's finding that the stop was pretextual is not supported by the evidence, and it was error to grant the motion to suppress based on that finding. Therefore, we reverse and remand for further proceedings.

REVERSED and REMANDED.

COHEN and EDWARDS, JJ., concur.