

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ELVERSHON WILLIAMS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D04-4435

Opinion filed September 23, 2005.

An appeal from the Circuit Court for Leon County.
Thomas H. Bateman, III, Judge.

Nancy A. Daniels, Public Defender; Edgar Lee Elzie, Jr., Assistant Public Defender,
Tallahassee, for Appellant.

Charlie Crist, Attorney General; Anne C. Conley, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Appellant, Elvershon Williams, seeks reversal of his convictions and sentences, arguing that the trial court erred in denying his motion to suppress because the fact that the police dog alerted to his vehicle, in and of itself, did not provide the officers

with probable cause to arrest him and search his person. We agree and, therefore, reverse the convictions and sentences. See Cady v. State, 817 So. 2d 948, 949 (Fla. 2d DCA 2002) (holding that the police did not have probable cause to search the defendant simply because a dog alerted to the vehicle that the defendant had been a passenger in); Bryant v. State, 779 So. 2d 464, 464-65 (Fla. 2d DCA 2000) (reversing the trial court's denial of the defendant's motion to suppress because, although the dog alert to the vehicle gave the deputy probable cause to search the vehicle, the alert, standing alone, did not give the deputy probable cause to search the defendant's person); see also State v. Gibson, 108 P.3d 424, 433 (Idaho Ct. App. 2005) (holding that the dog alert, which provided probable cause to search the defendant's vehicle, did not provide probable cause to arrest and search the defendant for possession of contraband).

REVERSED.

DAVIS, BROWNING and LEWIS, JJ., CONCUR.