

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

ROBERT DION BEASLEY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D06-0910

Opinion filed October 11, 2006.

An appeal from the circuit court for Escambia County.
Nickolas P. Geeker, Judge.

Nancy A. Daniels, Public Defender, and M. J. Lord, Assistant Public Defender,
Tallahassee, for Appellant.

Charlie Crist, Attorney General, and Bryan Jordan, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

In this direct criminal appeal, appellant seeks review of the trial court's denial of his motion to suppress evidence seized as the result of a stop for a purported traffic infraction. Because no search warrant was issued, the state was obliged at the suppression hearing to demonstrate that the evidence sought to be suppressed was

lawfully obtained. See State v. Setzler, 667 So. 2d 343, 345 (Fla. 1st DCA 1995). In its brief, the state concedes that it failed to establish at the suppression hearing that the officer had any objective reasonable basis to believe that appellant had committed a traffic infraction when he made the stop. We agree. See United States v. Chanthasouxat, 342 F.3d 1271 (11th Cir. 2003). Accordingly, because the state failed to carry its burden, it was error to deny the motion to suppress. Because it is apparent that our holding is dispositive, we are constrained to reverse and remand with directions that the “Disposition Order” entered by the trial court following appellant’s conditional guilty plea be vacated, and that appellant be discharged. See Fla. R. App. P. 9.140(b)(2)(A)(i); Fernandez v. State, 917 So. 2d 1022, 1024 (Fla. 1st DCA 2006).

REVERSED and REMANDED, with directions.

WEBSTER, VAN NORTWICK, and PADOVANO, JJ., CONCUR.