

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

TOMMY LEE GAINER,  
Appellant,

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

v.

CASE NO. 1D03-2816

STATE OF FLORIDA,  
Appellee.

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Opinion filed November 23, 2004.

An appeal from the Circuit Court for Okaloosa County.  
Thomas T. Remington, Judge.

Nancy A. Daniels, Public Defender; Archie F. Gardner, Jr., Assistant Public Defender,  
Tallahassee, for Appellant.

Charlie Crist, Attorney General; Thomas D. Winokur, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

Appellant, Tommy Lee Gainer, challenges the trial court's order denying his motion to suppress. Concluding that the officer did not have the reasonable suspicion to justify an investigatory stop, we reverse the suppression order and remand for

appellant's judgment and sentence to be reversed. See Popple v. State, 626 So. 2d 185 (Fla. 1993); Batson v. State, 847 So. 2d 1149 (Fla. 4th DCA 2003); A.H. v. State, 693 So. 2d 89 (Fla. 3d DCA 1997).

REVERSED and REMANDED.

ERVIN, PADOVANO and LEWIS, JJ., CONCUR.