

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

ANDRE FROST,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-3561

[August 1, 2012]

ON REMAND FROM THE SUPREME COURT

PER CURIAM.

We reconsider this case based on the mandate from the Supreme Court in *Frost v. State*, 2012 WL 1123734 (Fla. 2012), to apply *Harris v. State*, 71 So. 3d 756 (Fla. 2011), *cert. granted*, 132 S. Ct. 1796 (2012). Based on *Harris*, we reverse the conviction and remand to the circuit court for further proceedings. The circuit court shall hold another evidentiary hearing on the motion to suppress, where the State may offer additional evidence in compliance with the standards adopted by the Supreme Court in *Harris*. If the court decides that the State has not demonstrated that there was a “reasonable basis for believing the dog to be reliable based on the totality of the circumstances” under the *Harris* guidelines, it should grant the motion to suppress. *Id.* at 758.

Reversed and remanded for further proceedings.

STEVENSON, GROSS and TAYLOR, JJ., concur.

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Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Lawrence Mirman, Judge; L.T. Case No. 2007CF922.

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant

Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Melanie Dale Surber, Assistant Attorney General, West Palm Beach, for appellee.