

# Third District Court of Appeal

## State of Florida

Opinion filed November 23, 2016.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D15-1078  
Lower Tribunal No. 10-34535

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**Ricardo Aybar,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Dennis J. Murphy, Judge.

Rasco Klock Perez Nieto, Hilton Napoleon, II, and Joseph P. Klock, Jr., for appellant.

Pamela Jo Bondi, Attorney General, and Jeffrey R. Geldens, Assistant Attorney General, for appellee.

Before EMAS, FERNANDEZ and SCALES, JJ.

PER CURIAM.

The defendant, Ricardo Aybar, appeals the trial court's order denying the defendant's motion to suppress his blood alcohol test results. The record does not

reflect a written order by the trial court finding that the suppression ruling would be dispositive, nor is there a stipulation in the record that the ruling would be dispositive. Consequently, this Court has no jurisdiction to review the matter, and the appeal is dismissed. See Fla. R. App. P. 9.140(b)(2)(A)(i)<sup>1</sup>; Williams v. State, 194 So. 3d 511 (Fla. 3d DCA 2016); Pena v. State, 913 So. 2d 1203, 1205 (Fla. 4th DCA 2005) (stating “[b]ecause we have concluded that the order on appeal was not dispositive and the exception to the rule does not apply, we have no jurisdiction to reach the merits of this case.”).

Dismissed.

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<sup>1</sup> Florida Rule of Appellate Procedure 9.140(b)(2)(A)(i) states:

(A) Pleas. A defendant may not appeal from a guilty or nolo contendere plea except as follows:

- (i) Reservation of Right to Appeal. A defendant who pleads guilty or nolo contendere may expressly reserve the right to appeal a prior dispositive order of the lower tribunal, identifying with particularity the point of law being reserved.