

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

E.F.,

**

Appellant,

** CASE NO. 3D00-2403

vs.

** LOWER
TRIBUNAL NO. 99-8733

THE STATE OF FLORIDA,

**

Appellee.

**

Opinion filed September 26, 2001.

An Appeal from the Circuit Court for Dade County, Cecilia M. Altonaga, Judge.

Bennett H. Brummer, Public Defender, and Shaundra L. Kellam, Assistant Public Defender, for appellant.

Robert A. Butterworth, Attorney General, and Darien M. Doe, Assistant Attorney General, for appellee.

Before JORGENSON, GODERICH, and SORONDO, JJ.

PER CURIAM.

Pursuant to the state's proper confession of error, we reverse the trial court's order denying the Appellant's motion to suppress

unlawfully obtained evidence.¹ See § 901.151, Fla. Stat. (2001); Terry v. Ohio, 392 U.S. 1 (1968); Wong Sun v. United States, 371 U.S. 471, 484 (1963); J.L. v. State, 727 So. 2d 204, 206 (Fla. 1998), aff'd, 529 U.S. 266 (2000) (holding that anonymous tip was insufficient to justify a Terry stop, absent indication that police independently observed suspicious or illegal conduct); Philips v. State, 781 so. 2d 477 (Fla. 3d DCA March 14, 2001) ("If a police officer does not have the necessary founded suspicion to support the investigatory stop, the evidence obtained during the invalid search must be suppressed.") (citations omitted); L.M. v. State, 694 So. 2d 118 (Fla. 3d DCA 1997) (holding that an anonymous tip does not give rise to reasonable suspicion sufficient to justify temporary detention); T.W.C. v. State, 666 So. 2d 217 (Fla. 2d DCA 1995) (holding that deputy did not have a reasonable suspicion that minor had committed or was committing an offense, and even if there was a basis for a protective search, the search exceeded a pat-down of the outer clothing).

We reverse and remand with directions to discharge the Appellant.

Reversed and remanded.

¹ The Appellant pled nolo contendere, expressly reserving his right to appeal.