

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2004

THE STATE OF FLORIDA,

**

Appellant,

**

vs.

** CASE NO. 3D04-922

D.E.R., a juvenile,

**

Appellee.

** LOWER
TRIBUNAL NO. 04-674
**

Opinion filed December 1, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Mindy Glazer, Judge.

Charles J. Crist, Jr., Attorney General, and John D.
Barker, Assistant Attorney General, for appellant.

Bennett H. Brummer, Public Defender, and Robert Kalter,
Assistant Public Defender, for appellee.

Before GREEN, FLETCHER, and RAMIREZ, JJ.

PER CURIAM.

Based upon our conclusion that the record evidence fully
supports the trial court's finding that the police lacked

reasonable suspicion to conduct a pat down search of the appellee/juvenile, we affirm the order granting the motion to suppress. See Ray v. State, 849 So. 2d 1222 (Fla. 4th DCA 2003); Coleman v. State, 723 So. 2d 387 (Fla. 2d DCA 1999); E.H. v. State, 593 So. 2d 243 (Fla. 5th DCA 1997).

Affirmed.