

IN THE THIRTEENTH JUDICIAL CIRCUIT FOR THE STATE OF FLORIDA
CIRCUIT CIVIL DIVISION

PRASHANT VADHULAS,
Petitioner,

CASE NO.:22-CA-2978

v.

DIVISION: A

DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
Respondent.

ORDER DENYING PETITION FOR WRIT OF CERTIORARI

This case is before the court on Prashant Vadhulas' Amended Petition for Writ of Certiorari. The petition is timely, and this court has jurisdiction. §322.31, Fla. Stat. Petitioner contends that the Department's decision to suspend his driving privileges was not supported by competent, substantial evidence of a lawful arrest because he was subjected to a prolonged detention. After reviewing the petition, response, reply, relevant statutes, and case law, the court finds that the hearing officer in this case relied on competent, substantial evidence, in the form of testimony and video footage, when she found that Petitioner's detention was not unreasonable because Petitioner displayed sufficient signs of impairment to establish cause for a DUI arrest prior to the detention. Accordingly, the petition is denied.

On December 18, 2021, the Hillsborough County Sheriff's Office received a 911 call reporting a man fitting Petitioner's description threatening people and doing "doughnuts" in a white Mercedes. Deputy Jacobs reported to the scene and observed a white Mercedes and a man standing in the doorway of the vehicle. Deputy Jacobs ordered Petitioner to show his hands; Petitioner did not comply. Deputy Jacobs stated "sheriff's office" and repeated the order before Petitioner got into the vehicle and drove into a field in reverse. Deputy Jacobs activated his emergency lights and followed Petitioner onto the field. Petitioner stopped and exited the vehicle as instructed. Deputy Jacobs observed numerous signs of impairment: lethargy, glassy eyes, slurred speech, and an unsteady stance. Petitioner asserted

that the property belonged to him, though Deputy Jacobs was unable to verify that information for approximately 10 minutes. After the arrival of Deputy Rivera, it was determined that there were no criminal charges for the alleged threats from the 911 call. Petitioner spoke with his attorney on the phone and refused to perform field sobriety exercises (FSEs). Based on the totality of the circumstances, Petitioner was placed under arrest for DUI.

The formal hearing was held on January 19, 2022, and continued on March 3, 2022. Deputy Jacobs and Deputy Rivera both testified. There were some discrepancies within Deputy Rivera's testimony regarding the time of his arrival. The hearing officer was able to review video footage, however, which indicated that the second deputy arrived approximately 31 minutes after a DUI investigator was requested. Petitioner's counsel argued that the delay between the conclusion of the initial investigation and Deputy Rivera's arrival resulted in an unlawfully prolonged detention period. After considering the evidence, the hearing officer found that the initial encounter, detention, and arrest of Petitioner were lawful.

Petitioner asserts that the hearing officer lacked competent, substantial evidence to support a finding of a lawful arrest due to the length of his detention. Specifically, Petitioner argues that his detention became unlawful once law enforcement determined that there was not sufficient cause to arrest him for trespassing or making threats.

The court's scope of review in this case is limited to "whether procedural due process is accorded, whether the essential requirements of the law have been observed, and whether the administrative findings and judgment are supported by competent substantial evidence." *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982). When considering whether the hearing officer relied on competent, substantial evidence, this court must ensure that it does not improperly reweigh the evidence in the record. *Dep't of Highway Safety & Motor Vehicles v. Rose*, 105 So. 3d 22, 24 (Fla. 2d DCA 2012). "Competent, substantial evidence must be reasonable and logical." *Wiggins v. Fla. Dep't of Highway Safety & Motor Vehicles*, 209 So. 3d 1165, 1173, 1175 (Fla. 2017) (stating that "the use of and request for real-time video of government-citizen confrontational events have moved consideration beyond governmental words purporting to describe events into a broad, more accurate, fair consideration of the actual events as captured on video").

In this case, the hearing officer determined that the length of time between the initial stop and Deputy Rivera's arrival did not render the detention unlawful because Deputy Jacobs had sufficient cause to arrest Petitioner for DUI after observing the signs of impairment outlined above. The hearing officer relied on the arrest reports, testimony from the deputies, and video footage. While Deputy Rivera's testimony conflicted with the video footage with regard to the amount of elapsed time, the hearing officer relied on period depicted in the footage, which aligned with the testimony from Deputy Jacobs. The hearing officer's reliance on the evidence complies with the standard laid out in *Wiggins*. 209 So. 3d at 1173.

The length of detention alone is not sufficient to determine whether there was an unlawful delay. Where there is no basis for reasonable suspicion, a brief delay could be unlawful. *Rodriguez v. United States*, 575 U.S. 348, 349 (2015). However, a founded, reasonable suspicion can be the basis for a lengthier detention than the one at issue in this case. *Finney v. State*, 420 So. 2d 639, 643 (Fla. 3d DCA 1982) (citing *State v. Lopez*, 369 So. 2d 623 (Fla. 2d DCA 1979)). In this case, Deputy Jacobs had a reasonable suspicion for DUI before determining that the other potential charges were not being pursued. The hearing officer's determination about the detention was primarily based on the existence of a reasonable suspicion for DUI, and thus observed the essential requirements of the law.

It is therefore ORDERED that the petition is DENIED in Tampa, Hillsborough County, Florida, on the date imprinted with the Judge's signature.

Electronically Conformed 8/31/2022
Cheryl Thomas

CHERYL K. THOMAS, Circuit Court Judge

Electronic copies provided through JAWS.