

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2010-CA-12641-O
WRIT NO.: 10-32

CHRISTOPHER REED,
Petitioner,

vs.

**STATE OF FLORIDA,
DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,**
Respondent.

Petition for Writ of Certiorari
from the Florida Department of
Highway Safety and Motor Vehicles,
Donna Petty, Hearing Officer.

Adam B. Reiss, Esq.
for Petitioner.

Kimberly A. Gibbs, Assistant General Counsel,
for Respondent.

Before POWELL, MCDONALD, and M. SMITH, J.J.

FINAL ORDER DENYING PETITION FOR WRIT OF CERTIORARI

Reed seeks review of a final order of a hearing officer sustaining the suspension of his driver's license after a formal review hearing. We have carefully reviewed the petition, the appendix, the Department's response and the applicable law.

University of Central Florida police officer Furnas' incident report, admitted in evidence, lists the "location of the occurrence" as Orion Boulevard on "campus," and the street address of the stop of Reeds' vehicle as "Orion Boulevard/McCulloch . There was no evidence that any part of the stop or arrest occurred anywhere else than these locations, all of which were in Orange County.

The report further showed that at 3:40 AM, Furnas' patrol car was stopped with lights flashing on the side of the road. Reeds' vehicle approached at an alarming rate of speed, appeared that he was going to run into Furnas' vehicle, pulled past and rocked back and forth as it stopped just ahead, then drove away with Furnas following at speeds up to 25 mph in excess of the speed limit before Reed was stopped. These observations were sufficient to support a finding that Furnas had reasonable suspicion that Reed was driving under the influence and constituted an imminent danger to the driving public.

We conclude that, contrary to Reed's argument, there is sufficient competent evidence to support the hearing officer's finding that the stop, detention and arrest of Reed for DUI was within UCF Officer Furnas' territorial jurisdiction and was lawful based upon his incident report, the mutual aid agreement (admitted in evidence), and section 316.640 (1)(a)1.b. of the Florida Statutes¹.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Reed's Petition for Writ of Certiorari is **DENIED**.

DONE AND ORDERED at Orlando, Florida this 3rd day of June , 2011.

 /S/
ROM W. POWELL
Senior Judge

 /S/
ROGER J. MCDONALD
Circuit Judge

 /S/
MAURA T. SMITH
Circuit Judge

¹Section 316.640(1)(a)1.b. of the Florida Statutes provides in pertinent part that all university police officers have authority to enforce all state traffic laws occurring on university property or within 1,000 feet of it, and "[T]raffic laws may also be enforced off-campus when agreed upon in accordance with the mutual aid agreement." The Combined Operational Assistance and Voluntary Cooperation and Mutual Aid Agreement between the Orange County Sheriff, University of Central Florida Police Department and the University of Central Florida provides in pertinent part that "if a UCF police officer passing through the unincorporated county observes a driver engaging in a pattern of conduct that constitutes an imminent danger to the motoring public and reasonable suspicion of driving a vehicle while under the influence ...the officer is empowered to take such law enforcement action as is immediately necessary to protect the community from the perpetrator of said crime..." See page 2, third paragraph.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing order was furnished to **Adam B. Reiss, Esq.**, 605 E. Robinson Street, Ste. 450, Orlando, Florida 32804; and **Kimberly A. Gibbs, Assistant General Counsel**, P.O. Box 570066, Orlando, Florida 32857, by mail, this 3rd day of June , 2011.

 /S/
Judicial Assistant