DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JAMAINE WAYNE WARREN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2025-2430

[October 28, 2026]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; James Nutt, Judge; L.T. Case No. 502021CF006094AXXXMB.

Daniel Eisinger, Public Defender, Devin Johnson, and Virginia Murphy, Assistant Public Defenders, West Palm Beach, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Sabina Fernandez, Assistant Attorney General, West Palm Beach, for appellee.

KLINGENSMITH, J.

Appellant Jamaine Wayne Warren appeals following his guilty pleas to unlicensed carrying of a concealed firearm and driving while his license was suspended. He reserved the right to challenge the denial of his motion to suppress on appeal, which was dispositive of the firearm charge. Appellant argues that the detective who arrested him lacked probable cause to believe he knew of the license suspension and therefore, the detective lacked probable cause to conduct a search incident to arrest on that charge. We find the circumstances supported probable cause for both the arrest and subsequent search. We affirm.

At the time of the incident in question, detectives were conducting surveillance in a hotel parking lot. They saw Appellant leave a hotel room and enter the driver's seat of a car parked in front of the room. The detectives checked the car's tag through law-enforcement and driver-information databases. The records identified Appellant as the registered owner and showed that his driver's license had been suspended eight months prior for failure to pay child support.

After Appellant began driving, the officers stopped the car and confirmed that Appellant's license was suspended. When asked for his license during the stop, Appellant said it was in his hotel room. The officers ordered Appellant out of the car and arrested him for driving while his license was suspended. A search incident to the arrest revealed a firearm in Appellant's waistband and contraband in his pocket.

Appellant's motion to suppress the evidence obtained after his arrest argued that the arresting officer lacked probable cause to believe Appellant knew of the license suspension. At the suppression hearing, the arresting detective testified that, based on his experience, a person facing a license suspension for failure to pay child support receives notices from the child-support office and the licensing agency before the suspension becomes effective. He explained that this notification process, together with the approximately eight months that had passed since Appellant's suspension, led him to believe Appellant as the driver of the vehicle knew his license was suspended.

The trial court denied the motion to suppress. The trial court found that the circumstances supported a reasonable inference of knowledge because the suspension was of a kind for which notices were customarily sent. Appellant filed a motion for reconsideration, which the trial court also denied. In denying reconsideration, the trial court explained that the evidence supported the detective's understanding of the suspension process and his reasonable belief that Appellant had notice of his license suspension. Further, probable cause did not require the detective to possess direct confirmation of Appellant's knowledge.

Appellant later pled guilty to unlicensed carrying of a concealed firearm and driving while his license was suspended, while reserving his right to challenge the denial of his dispositive motion to suppress. This appeal followed.

"A trial court's ruling on a motion to suppress comes to the appellate court clothed with a presumption of correctness and the court must interpret the evidence and reasonable inferences and deductions derived therefrom in a manner most favorable to sustaining the trial court's ruling." *Sammiel v. State*, 225 So. 3d 250, 253 (Fla. 4th DCA 2017) (quoting *Rolling v. State*, 695 So. 2d 278, 291 (Fla. 1997)). "The appellate court will accept the trial court's factual findings if they are supported by competent substantial evidence." *Id.* (quoting *Gaines v. State*, 155 So. 3d 1264, 1268 (Fla. 4th DCA 2015)). "However, the trial court's application of the law to the historical facts is reviewed de novo." *Id.*

Section 322.34, Florida Statutes (2021), entitled "Driving while license suspended, revoked, canceled, or disqualified," had been amended in 1997 to distinguish between driving with a suspended license without knowledge of the suspension under subsection (1), and doing so knowingly under subsection (2).[1] § 322.34, Fla. Stat. (2021). The former is a non-criminal moving violation; the latter is a criminal offense. § 322.34(1)–(2), Fla. Stat. (2021); *Quest v. State*, 837 So. 2d 1106, 1107 (Fla. 4th DCA 2003). Accordingly, the mere fact of license suspension does not dispense with the required knowledge element. To justify the arrest challenged here, the circumstances had to support probable cause to believe Appellant knew of the suspension.

Section 322.34 identifies a prior citation, an admission of knowledge, and receipt of the prescribed notice as means of satisfying the knowledge element. § 322.34(2), Fla. Stat. (2021). Section 322.34 also expressly permits consideration of other evidence that a person knowingly violated the statute. § 322.34(3), Fla. Stat. (2021). The inquiry therefore is not confined to an admission or direct confirmation of receipt of notice.

"An arrest, because of its intrusive nature, must be predicated on probable cause." *Millets v. State*, 660 So. 2d 789, 791 (Fla. 4th DCA 1995). Probable cause to arrest exists "when the totality of the facts and circumstances within the officer's knowledge would cause a reasonable person to believe that an offense has been committed and that the

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[1] Section 322.34(1) and (2) provide in pertinent part:

> (1) Except as provided in subsection (2), any person whose driver license or driving privilege has been canceled, suspended, or revoked, except a "habitual traffic offender" as defined in s. 322.264, who drives a vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked is guilty of a moving violation, punishable as provided in chapter 318.
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> (2) Any person whose driver license or driving privilege has been canceled, suspended, or revoked as provided by law, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(42), except persons defined in s. 322.264, who, knowing of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, or while under suspension or revocation equivalent status ....

§ 322.34(1)-(2), Fla. Stat. (2021).

defendant is the one who committed it." *D.S. v. State*, 122 So. 3d 482, 484 (Fla. 3d DCA 2013); *Stone v. State*, 856 So. 2d 1109, 1111 (Fla. 4th DCA 2003) ("Probable cause has been defined as where the facts and circumstances within an officer's knowledge and of which he had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been committed.") (citation modified). At the time of the arrest, the officer need not possess all the proof necessary to establish guilt at trial, and the possibility of an innocent explanation does not itself defeat probable cause. *State v. Blaylock*, 76 So. 3d 13, 14–15 (Fla. 4th DCA 2011).

Moreover, "[t]he question of probable cause is viewed from the perspective of a police officer with specialized training and takes into account the factual and practical considerations of everyday life on which reasonable and prudent [persons], not legal technicians, act." *State v. J.J.*, 143 So. 3d 1050, 1052 (Fla. 4th DCA 2014) (citation modified). In *Doctor v. State*, 596 So. 2d 442, 445 (Fla. 1992), the supreme court explained that training and experience matter insofar as they provide a specific basis for reasonably concluding that a crime is being committed. Probable cause "is a low standard that does not require absolute certainty about criminal activity." *Gomez v. State*, 155 So. 3d 1184, 1187 (Fla. 4th DCA 2014) (citing *Blaylock*, 76 So. 3d at 15).

Here, the State met that burden on the probable cause issue. Before arresting Appellant, the detective had confirmed both the license suspension and Appellant's identity as the suspended driver. The database consulted by the detective supplied more than an unexplained indication that the license was invalid—the database identified child-support delinquency as the reason for the suspension, and showed that the suspension had begun approximately eight months earlier. The detective connected that information to a specific notification process which he knew from experience. He testified at the suppression hearing that notices from the child support office and the licensing agency precede a suspension for failure to pay child support.

That testimony furnished an objective basis for the inference of knowledge. The detective did not simply assume that every driver knows his license status. He explained why the particular reason for Appellant's suspension indicated that Appellant would have been notified before the suspension took effect. The passage of approximately eight months further supported the inference that the notification process had afforded Appellant an opportunity to learn of the suspension. Neither the child support delinquency, nor the passage of time alone, established knowledge. Considered together with the confirmed suspension and the

detective's specific knowledge of the notification process, those circumstances combined supported a reasonable belief that Appellant was driving while knowing his license was suspended.

The statutory notice requirement is consistent with that reasoning. Section 322.251(1), Florida Statutes (2021), requires suspension orders to be delivered personally or mailed to the licensee's last known address furnished to the department. We do not treat that requirement as proof of Appellant having actually received a particular notice. Nor do we rest our decision on a statutory presumption of knowledge. The notice requirement instead provides context for the process which the detective described, and the inference which he drew from the information available before the arrest.

Appellant emphasizes that the detective did not confirm Appellant's receipt of notice or obtain Appellant's admission that he knew of the suspension. That gap might matter in determining whether the State had proven Appellant's knowledge at trial. But the question here is whether the information known to the officer reasonably supported that belief when he made the arrest. Probable cause permits reasonable inferences from established circumstances and does not require direct evidence of a suspect's state of mind. Requiring confirmation of actual receipt or an admission in these circumstances would substitute certainty about knowledge for probable cause to believe it existed. *See State v. Catt*, 839 So. 2d 757, 759 (Fla. 2d DCA 2003) ("Probable cause is not the same standard as beyond a reasonable doubt, and the facts constituting probable cause need not meet the standard of conclusiveness and probability required of the circumstantial facts upon which a conviction must be based.") (citation modified).

Appellant relies on *Quest* to support his argument, but that case does not require a different result. There, the State sought to sustain a conviction for knowingly driving with a suspended license based on a driving record that did not establish notice of the suspension at issue. 837 So. 2d at 1107–08. The defendant denied having received notice, and evidence concerning earlier suspensions did not establish knowledge of the later suspension. *Id.* The appellate court held that the State had failed to prove the knowledge necessary for conviction. *Id.*

Quest confirms that knowledge of the particular suspension must be established as an element necessary for conviction of the offense. However, *Quest* does not hold that probable cause requires an officer to obtain trial-sufficient proof of that knowledge before making an arrest. Probable cause in this case concerned Appellant's current suspension, its

duration and identified cause, and the detective's knowledge of the related notification process.

Previously, section 322.34(1), Florida Statutes (1985), provided in relevant part: "Driving with a suspended driver's license is a second degree misdemeanor, punishable by a term of imprisonment not exceeding sixty days." *Charlton v. State*, 550 So. 2d 150, 151 (Fla. 3d DCA 1989). However, the Legislature amended section 322.34 by adding language that the driving must be "knowing of such cancellation, suspension, revocation, or suspension or revocation in equivalent status," thus adding a knowledge element to the crime. *See* § 322.34(2), Fla. Stat. (2021).

Although the parties do not cite to any Florida cases directly on point, we are informed by an analogous case from Georgia, *Carter v. State*, 395 S.E.2d 891, 891–92 (Ga. Ct. App. 1990). *Carter* discussed the distinction between probable cause and proof at trial under a similar statute. There, the appellate court rejected a challenge to an arrest for driving with a suspended license based on the officer's failure to verify notification and the State's later failure of proof. *Id.* Although the officer also identified another possible basis for arrest, the trial court separately reasoned that the suspension-related arrest was supported by probable cause, even if proof of notice was inadequate to sustain a conviction. *Id.* at 892. While we find *Carter* persuasive on that distinction, our conclusion rests on Florida's probable cause principles and the specific circumstances which the detective knew when arresting Appellant.

Here, because the arrest was supported by probable cause solely on the license suspension charge, unrelated to the later discovery of the firearm and contraband, Appellant's challenge to the resulting search of his person as incident to an unlawful arrest fails. *See J.J.*, 143 So. 3d at 1051–52. The trial court properly denied the motion to suppress. As a result, we affirm.

Affirmed.

GERBER, C.J., and WHITE, REBECCA, Associate Judge, concur.

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Not final until disposition of timely-filed motion for rehearing.