

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

DIV: CRIMINAL JURISDICTION

Plaintiff,

CASE NO: F25-19271

v.

JUDGE: CABARGA

ALQUEZ GRIFFIN,

Defendant.

**DEFENDANT'S AMENDED MOTION TO SUPPRESS STATEMENTS AND PHYSICAL  
EVIDENCE**

COMES NOW, Defendant, ALQUEZ GRIFFIN, by and through undersigned counsel, and hereby moves this Court to suppress (1) all statements allegedly made by him on September 4, 2025, including statements regarding his criminal history and any alleged admission concerning a firearm, and (2) all physical evidence obtained as a result of the unlawful stop, including the firearm allegedly recovered from beneath the driver's seat.

This motion is filed pursuant to the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, Article I, Sections 9 and 12 of the Florida Constitution, and Florida Rule of Criminal Procedure 3.190(h). As grounds, Defendant states:

**I. THE STOP WAS UNLAWFUL**

1. The stop of Defendant's vehicle was pretextual, racially motivated, and unsupported by reasonable suspicion or probable cause.
2. The arrest affidavit states the officer initiated surveillance because he observed "a black 2016 Chevrolet Malibu... driving through the residential area" with three Black male occupants "looking back" at him — none of which constitutes reasonable suspicion.

3. No traffic citation was issued.
4. The Body-Worn Camera (BWC) footage does not corroborate the officer's claim that the vehicle was "failing to drive in a single lane" or "weaving in and out of traffic."
5. The stop was therefore unconstitutional under *Delaware v. Prouse*, 440 U.S. 648 (1979), *Terry v. Ohio*, 392 U.S. 1 (1968), and *State v. Teamer*, 151 So. 3d 421 (Fla. 2014).

## **II. UNLAWFUL DETENTION AND PRE-MIRANDA INTERROGATION**

1. Defendant and the passengers were ordered out of the vehicle, detained, and not free to leave.
2. Prior to being placed inside the police vehicle, officers questioned Defendant about his prior criminal record.
3. Defendant had not been advised of his *Miranda* rights at the time of this questioning.
4. Questions about a suspect's criminal history constitute custodial interrogation because they are reasonably likely to elicit incriminating responses.
5. Any statements made in response must be suppressed under *Miranda v. Arizona*, 384 U.S. 436 (1966).

## **III. ALLEGED FIREARM ADMISSION IS UNRECORDED AND UNRELIABLE**

1. The affidavit claims Defendant stated there was a firearm under the driver's seat.
2. No BWC recording captures Defendant making such a statement.
3. The alleged admission appears only in the officer's narrative and is contradicted by the objective video evidence.
4. The State cannot prove the statement was voluntary or even made.

## **IV. OFFICER MISCONDUCT AND BAD FAITH**

1. During discussions among officers about who would prepare the arrest affidavits, one

officer can be heard telling another:

“Do your magic on these guys.”

2. This statement demonstrates an intent to embellish or fabricate facts; a willingness to manipulate the narrative, and a lack of credibility in the affidavit’s contents.

3. This misconduct further undermines the reliability of the alleged statements and the legitimacy of the search.

## **V. FRUIT OF THE POISONOUS TREE**

1. The firearm allegedly recovered from beneath the driver’s seat was discovered only after the unlawful stop and detention.

2. Because the stop was unconstitutional, all evidence obtained as a result — including the firearm — must be suppressed under *Wong Sun v. United States*, 371 U.S. 471 (1963).

**WHEREFORE**, Defendant respectfully requests that this Court suppress: (a) all statements allegedly made by Defendant, and (b) all physical evidence obtained as a result of the unlawful stop, including the firearm.

## **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION TO SUPPRESS STATEMENTS AND PHYSICAL EVIDENCE**

### **I. INTRODUCTION**

This case arises from a stop that was unconstitutional from its inception. The arrest affidavit reveals that the officer initiated surveillance and ultimately detained Defendant not because of any articulable traffic violation, but because three Black men were driving through Hialeah — a predominantly Hispanic community — late at night.

The officer’s narrative states:

“I observed a black 2016 Chevrolet Malibu... driving through the residential area... all occupants of the vehicle kept looking back...” (Affidavit, p. 1). This is the quintessential

**“Driving While Black”** stop — a racially motivated seizure unsupported by reasonable suspicion.

The officer later inserted boilerplate language claiming the vehicle was “weaving” and “failing to drive in a single lane,” but no traffic citation was issued, the BWC does not corroborate any traffic violation, and the officer began following the vehicle before any alleged infraction. Because the stop was unconstitutional, all evidence obtained as a result — including the firearm allegedly found under the driver’s seat — must be suppressed.

## **II. THE STOP WAS PRETEXTUAL AND BASED ON RACE**

### **A. Racial Profiling Is Unconstitutional**

Selective enforcement based on race violates the Constitution. See *Whren v. United States*, 517 U.S. 806, 813 (1996). The officer’s stated reasons for initiating surveillance — their “presence in a particular neighborhood,” and their “looking back” — are not articulable facts supporting reasonable suspicion.

### **B. The Claimed Traffic Violations Are Pretextual**

Florida courts reject stops based on vague, uncorroborated claims. See *State v. Teamer*, 151 So. 3d 421 (Fla. 2014) and *Daniels v. State*, 543 So. 2d 363 (Fla. 1st DCA 1989). The officer’s narrative is contradicted by the BWC and unsupported by any citation.

## **III. ALL EVIDENCE — INCLUDING THE FIREARM — MUST BE SUPPRESSED**

Under *Wong Sun v. United States*, 371 U.S. 471 (1963), evidence obtained following an unlawful stop must be suppressed unless the State proves attenuation. Florida applies this rule strictly. See *State v. Frierson*, 926 So. 2d 1139 (Fla. 2006).

Because the stop was unconstitutional, the firearm must be suppressed.

## **IV. PRE-MIRANDA INTERROGATION ABOUT CRIMINAL HISTORY**

### **A. Defendant Was in Custody**

The affidavit states “The driver... was subsequently detained...”(Affidavit, p. 2). This was custodial detention.

### **B. Criminal-History Questioning Is Interrogation**

Before placing Defendant in the police car, officers questioned him about his prior criminal record. This is interrogation under *Miranda v. Arizona*, 384 U.S. 436 (1966); *Rhode Island v. Innis*, 446 U.S. 291 (1980) and *State v. Hall*, 537 So. 2d 171 (Fla. 1st DCA 1989)

### **C. The Statements Must Be Suppressed**

Because Defendant was in custody; Officers asked incriminating questions; No Miranda warnings were given. The statements are inadmissible.

### **V. OFFICER MISCONDUCT: “DO YOUR MAGIC ON THESE GUYS”**

This statement — captured on BWC — is powerful evidence of fabrication, embellishment, intentional narrative manipulation, and lack of credibility. It directly undermines the reliability of the arrest affidavit, he alleged firearm admission, the officer’s claimed observations Florida courts suppress evidence where police act in bad faith or manipulate evidence.

### **VI. CONCLUSION**

Because the stop was racially motivated and unconstitutional; the detention was unlawful, Officers interrogated Defendant about his criminal history before Miranda. The alleged firearm admission is unrecorded and contradicted by BWC. Officers expressed an intent to “do [their] magic” on the affidavit, The firearm was discovered only after the unlawful stop.

All statements and the firearm must be suppressed.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct of the foregoing document was electronically filed using the portal myflcourtaaccess.com which sends notice to all parties registered to receive service this February 13, 2026.

By: /s/RODERICK D. VEREEN, ESQ.  
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