

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

STATE OF FLORIDA,

Plaintiff,

v.

ALQUEZ GRIFFIN,

Defendant.

DIVISION: CRIMINAL JURISDICTION

CASE NO: F25-19271

JUDGE: CABARGA

**DEFENDANT'S AMENDED MOTION TO DISMISS DUE TO INTENTIONAL
MUTING OF BODY-WORN CAMERA AND RESULTING DUE PROCESS
VIOLATIONS**

Defendant, **ALQUEZ GRIFFIN**, through undersigned counsel, and pursuant to Rule 3.190(b), Florida Rules of Criminal Procedure, moves this Court to dismiss the charge in the above-styled cause pursuant to the Due Process Clause of the Fourteenth Amendment to the United States Constitution, Article I, Section 9 of the Florida Constitution, and the Court's inherent supervisory authority to remedy egregious police misconduct. In support, Defendant states:

I. INTRODUCTION

This case presents a clear and troubling instance of law enforcement intentionally disabling their Body-Worn Camera ("BWC") during a critical investigative moment—precisely when transparency, accountability, and preservation of evidence were required. The officer's deliberate muting of the BWC was not accidental, incidental, or technologically unavoidable. It was purposeful, strategic, and designed to prevent the recording of a conversation between officers directly related to the investigation of Mr. Griffin.

This intentional act deprived the Defendant of material evidence, undermined the integrity of the investigation, and violated due process under both state and federal law. The only appropriate remedy is dismissal.

II. FACTUAL BACKGROUND

1. Mr. Griffin was detained and investigated by officers of the Hialeah Police Department.
2. The officers were equipped with department-issued Body-Worn Cameras, which—under departmental policy—must remain activated and unmuted during all citizen encounters, investigative detentions, and searches.
3. During the encounter with Mr. Griffin, the lead officer intentionally muted his BWC on at least three occasions (Muted at 41:25 until 42:06, then at 42:11 until 44:32, then again at 48:32 until 48:47) while speaking with another officer about the investigation. The muted portions occurred at moments directly relevant to the alleged criminal conduct and the officers' decision-making process. The intentional muting prevented the preservation of material evidence, including the officers' contemporaneous observations, their reasoning for investigative actions, any statements allegedly made by Mr. Griffin and any inconsistencies or contradictions in the officers' accounts.
4. The State now seeks to rely on the officers' unrecorded recollections—recollections that are unreviewable, unverifiable, and tainted by the officers' own violation of policy and constitutional norms.

III. LEGAL STANDARD

A. Due Process Requires Preservation of Material Evidence

Under *California v. Trombetta*, 467 U.S. 479 (1984), and *Arizona v. Youngblood*, 488 U.S. 51 (1988), the State violates due process when it fails to preserve evidence that is (1) material and (2) exculpatory, or when the loss of evidence results from bad faith.

B. Intentional Destruction or Suppression of Evidence Constitutes Bad Faith

Bad faith exists where officers intentionally destroy or prevent the creation of evidence. See *Youngblood*, 488 U.S. at 58 (bad faith where police intentionally fail to preserve evidence).

C. Courts Have Inherent Authority to Dismiss for Egregious Police Misconduct

Florida courts recognize dismissal as an appropriate remedy where police conduct “shocks the conscience” or undermines the integrity of the judicial process. See *State v. Glosson*, 462 So. 2d 1082 (Fla. 1985); and *State v. Aguilar*, 987 So. 2d 746 (Fla. 2d DCA 2008).

Intentional disabling of a BWC—an accountability tool specifically designed to prevent misconduct—falls squarely within this category.

IV. ARGUMENT

A. The Officer’s Intentional Muting of the BWC Constitutes Bad Faith Under *Youngblood*

This is not a case of lost evidence, corrupted files, or accidental malfunction. The officer made a conscious decision to mute the BWC during a critical investigative moment. This is the very definition of bad faith. The muted portion would have captured the officers’ investigative reasoning, statements allegedly made by Mr. Griffin, potential exculpatory or impeaching evidence or the tone, demeanor, and conduct of the officers. Because the officer intentionally prevented the creation of this evidence, the State cannot meet its burden under *Youngblood*.

B. The Missing Evidence Is Material and Exculpatory

The muted segment is material because it relates directly to the alleged criminal conduct; it bears on the credibility of the officers; it may have contained exculpatory statements or conduct and it is essential for cross-examination and impeachment.

Without this evidence, the Defendant is deprived of a fair opportunity to challenge the State's narrative.

C. The Officer's Conduct Violates Departmental Policy and Undermines the Integrity of the Judicial Process

Miami-Dade agencies—including MDPD, City of Miami, and Hialeah—require continuous, unmuted BWC recording during all investigative encounters. Intentional muting is a serious policy violation.

Florida courts have repeatedly held that when police intentionally circumvent safeguards designed to ensure fairness, dismissal is warranted. *Glosson* and *Aguilar* support dismissal where police misconduct compromises the integrity of the prosecution.

D. No Lesser Sanction Can Cure the Prejudice

Suppression of statements or adverse inference instructions are insufficient because the Court cannot reconstruct what was intentionally muted; the defense cannot cross-examine a recording that does not exist and the State should not benefit from evidence destroyed by its own agents. Dismissal is the only remedy that restores fairness.

V. CONCLUSION

The officer's intentional muting of his Body-Worn Camera constitutes bad faith destruction of material evidence, violates due process, and undermines the integrity of the judicial process. Because the prejudice to Mr. Griffin cannot be cured by any lesser sanction, dismissal is required.

WHEREFORE, Defendant **ALQUEZ GRIFFIN** respectfully requests that this Court enter an order dismissing this case.

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS
DUE TO INTENTIONAL MUTING OF BODY-WORN CAMERA AND RESULTING
DUE PROCESS VIOLATIONS**

Defendant, ALQUEZ GRIFFIN, through undersigned counsel, submits this Memorandum of Law in support of his Motion to Dismiss based on law enforcement’s intentional muting of Body-Worn Camera (“BWC”) audio during a critical stage of the investigation. This deliberate act constitutes bad-faith destruction of material evidence, violates due process under the United States and Florida Constitutions, and warrants dismissal.

I. ISSUE PRESENTED

Whether dismissal is required where officers intentionally muted their Body-Worn Camera during a critical investigative moment, thereby preventing the creation and preservation of material evidence necessary for the defense and undermining the integrity of the judicial process.

Short Answer: Yes. Intentional suppression of BWC evidence constitutes bad faith under *Arizona v. Youngblood* and its Florida progeny, violates due process, and warrants dismissal under the court’s inherent supervisory authority.

II. LEGAL FRAMEWORK

A. Due Process Requires Preservation of Material, Exculpatory Evidence

The Due Process Clause prohibits the State from destroying or failing to preserve evidence that is material and exculpatory. *California v. Trombetta*, 467 U.S. 479 (1984). Evidence is material if it possesses an exculpatory value that was apparent before it was destroyed and is of such a nature that the defendant cannot obtain comparable evidence by other reasonably available means.

B. Intentional Destruction or Suppression of Evidence Constitutes Bad Faith

Where evidence is not merely lost but intentionally destroyed or prevented from being created, the State acts in bad faith. *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988).

The intentional muting of a BWC is not passive loss — it is an affirmative act designed to prevent the creation of evidence.

C. Courts Have Inherent Authority to Dismiss for Egregious Police Misconduct

Even where due process standards are not technically met, Florida courts may dismiss charges where police misconduct “shocks the conscience” or undermines the integrity of the judicial process. See *State v. Glosson*, 462 So. 2d 1082 (Fla. 1985) and *State v. Aguilar*, 987 So. 2d 746 (Fla. 2d DCA 2008).

These cases establish that dismissal is appropriate where the misconduct is so egregious that it compromises the fairness of the proceedings.

III. ARGUMENT

A. The Officer’s Intentional Muting of the BWC Constitutes Bad Faith Under *Youngblood*

The officer did not lose evidence, forget to activate the camera, or suffer a technical malfunction. He intentionally muted the BWC during a critical investigative moment.

This is the very definition of bad faith. It was a conscious, deliberate act; It prevented the creation of evidence; It violated departmental policy and It occurred during a moment directly relevant to the investigation;

Under *Youngblood*, intentional destruction or suppression of evidence automatically satisfies the bad-faith requirement.

B. The Muted Evidence Was Material and Exculpatory

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The muted portion would have captured the officers' contemporaneous observations; their reasoning for detaining or searching Mr. Griffin; any statements allegedly made by Mr. Griffin; potential inconsistencies between officers and Conduct relevant to impeachment.

This evidence is not replaceable by officer recollection, which is inherently self-serving and unverifiable.

Under *Trombetta*, evidence is material when it is essential to the defense and cannot be replaced by other means. That standard is met here.

C. The Officer's Conduct Violates Departmental BWC Policy and Undermines the Integrity of the Judicial Process

Miami-Dade agencies require continuous, unmuted BWC recording during all investigative encounters. Intentional muting is a serious violation.

Florida courts have repeatedly held that when police intentionally circumvent safeguards designed to ensure fairness, dismissal is warranted. *Glosson* and *Williams* make clear that courts must protect the integrity of the justice system.

Allowing the State to proceed based on unrecorded, unverifiable officer recollections would reward misconduct and erode public trust.

D. No Lesser Sanction Can Cure the Prejudice

Suppression of statements or adverse inference instructions cannot cure the prejudice because the Court cannot reconstruct what was intentionally muted; the defense cannot cross-examine evidence that does not exist; and the State should not benefit from evidence destroyed by its own agents. Therefore, dismissal is the only remedy that restores fairness.

IV. CONCLUSION

The officer's intentional muting of his Body-Worn Camera constitutes bad-faith destruction of material evidence, violates due process, and undermines the integrity of the judicial process. Because the prejudice to Mr. Griffin cannot be cured by any lesser sanction, dismissal is required.

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 myflcourtagency.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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