# CAPTION: STATE V. WATTS

**02-21-24**

APPEAL NO.: C-230299

TRIAL NO.: C-23TRD-5083

KEY WORDS: MOTION TO SUPPRESS – OVI SUSPENSION

SUMMARY:

In a prosecution for driving under an OVI suspension, the trial court erred in denying defendant’s motion to suppress on the ground that defendant failed to satisfy the initial burden to demonstrate that the state conducted a warrantless seizure: defendant’s motion to suppress argued that defendant had been driving a vehicle registered to defendant’s daughter, the officer did not cite defendant with any other violations, and the officer testified at the motion-to-suppress hearing, but could not recall the reason for initiating the traffic stop.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by WINKLER, J.; BOCK, P.J., and BERGERON, J., CONCUR.