

BUY™

SELL™

SHOP™



Downloaded From
www.TextBookDiscrimination.com



SELL YOUR OWN SAMPLES

(help others get the justice that they deserve)



BUY™

SELL™

SHOP™

www.TextBookDiscrimination.com

Get ***Booked Up*** on Justice!

© TBD Corporation. All Rights Reserved.

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

MIAMI-DADE COUNTY SCHOOL BOARD,

CASE NO. 14-3000TTS

Petitioner,

VS.

GERRY R. LATSON,

Respondent.

**MOTION TO SUPPRESS UNLAWFULLY OBTAINED
EVIDENCE**

COMES NOW, the Respondent, GERRY R. LATSON, by and through the undersigned counsel, and files this Motion to Suppress Unlawfully Obtained Evidence, and, as grounds therefore says:

1. On or about April 16, 2014, a conversation occurred between Mr. Latson and N.H., a student at Allapattah Middle School.
2. The conversation between Mr. Latson and N.H. occurred inside Mr. Latson's office.
3. Unbeknownst to Mr. Latson, another student, D.J., surreptitiously recorded Mr. Latson's spoken words with a cellular telephone.
4. Mr. Latson did not consent to the recording of his spoken words.
5. D.J. illegally intercepted Mr. Latson's spoken words through the usage of an electronic cellular telephone in violation of Chapter 934, Fla. Stat. (2014).
6. Florida Statute § 934.03(1)(a), subjects any person to criminal penalties who [i]ntentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, oral, or electronic communication.
7. The term "intercept" is defined by the Act as "the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any

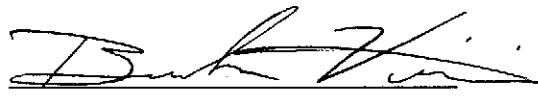
electronic, mechanical, or other device." § 934.02(3), Fla. Stat. (2014).

8. The exclusionary provisions of the Act are found in § 934.06, Fla. Stat. (2014), which provides that "[w]henver any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence. . . ."
9. In Hamilton Cnty. Sch. Bd. v. Lee, Martha Lee, an agricultural teacher, cursed and used inappropriate language in front of a student. This occurred in her classroom and in the vicinity of her classroom. Case No. 00-2977 (Fla. DOAH Dec. 11, 2000). Unbeknownst to Ms. Lee, the student surreptitiously tape-recorded this language. Id. The student stated Ms. Lee had used inappropriate language prior to this incident which included vulgar language delivered in a loud voice. The School Board moved to sanction Ms. Lee's employment and Ms. Lee timely requested a final hearing to challenge the Board's decision. The assigned administrative law judge concluded that the surreptitious tape-recording of Ms. Lee's spoken words was in violation of § 934.03 (1) (a), and thus, excluded the recording from evidence. Id.
10. It is without doubt that D.J. surreptitiously intercepted oral communications between Mr. Latson and N.H. through the usage of a cellular telephone. The alleged communications occurred inside Mr. Latson's office and without Mr. Latson's knowledge or consent.
11. For the foregoing reasons, the use of the unlawfully obtained recordings, and any evidence derived therefrom, must be excluded from use at hearing or deposition. See Wong Sun v. U.S., 371 U.S. 471, 83 S. Ct. 407 (1963).

WHEREFORE, on those grounds and others to be argued *ore tenus* Respondent moves this Court to suppress all tangible and intangible evidence as set forth hereinabove.

I HEREBY CERTIFY that a copy hereof has been furnished to Cristina Rivera Correa, Assistant School Board Attorney, 1450 N.E. 2nd Avenue, Suite 430, Miami, FL 33132, via e-mail, this 25th day of August, 2014.

HERDMAN & SAKELLARIDES, P.A.



BRANDEN VICARI

Florida Bar No.: 0086830

29605 U.S. Hwy. 19 N., Suite 110

Clearwater, FL 33761

Tel: (727) 785-1228

Fax: (727) 786-4107

Attorney for Respondent

BUY™

SELL™

SHOP™



Downloaded From
www.TextBookDiscrimination.com



SELL YOUR OWN SAMPLES

(help others get the justice that they deserve)



BUY™

SELL™

SHOP™

www.TextBookDiscrimination.com

Get ***Booked Up*** on Justice!

© TBD Corporation. All Rights Reserved.