

False Arrest – Case # MM-007419 – Palm Beach County

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Last year, a man was forcibly - and without probable cause - removed from his vehicle and then tased and beaten by a Palm Beach County Sheriff's Department deputy during a routine traffic stop. He was charged with resisting arrest and taken to the Palm Beach County Jail.

The use of force by law enforcement agencies against citizens in Florida has reached record levels. Sheriff's deputies and local law enforcement officers are quick to charge citizens with resisting arrest without violence or obstructing justice. The officers will then state: "The accused did not obey a lawful order."

In Florida, a person may be accused of resisting arrest without or with violence. Resisting without violence is a first-degree misdemeanor punishable by up to one year in the county jail and a \$1,000.00 fine or both. Resisting arrest with violence is a third degree felony punishable by up to five years in state prison and a \$5,000.00 fine or both.

Florida law also requires that arrests be made upon probable cause. If there is no probable cause for an arrest then the arresting agency and the police officer may be subject to an action for false arrest and false imprisonment.

On June 16, 2009, West Palm Beach [criminal defense attorney](#) Andrew Stine led the defense in this case and gained a Nolle Prose or dismissal of the charges. He argued that the deputy sheriff over-reacted and falsely arrested the defendant. Attorney Stine also argued that even if the officer had probable cause, "the officer must be acting lawfully and in his lawful performance of duty" before a citizen can resist arrest. The State Attorney's office decided to drop the case before the jury was even chosen.

The charges were dismissed and the man was free from a conviction and record. Your charges can be dismissed, too, with the help of an aggressive and knowledgeable Palm Beach County criminal defense lawyer.

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