

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

REYNELDON DAVIS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D01-4625

Opinion filed February 6, 2003.

An appeal from the Circuit Court for Duval County.

W. Gregg McCaulie, Judge.

William Mallory Kent of The Law Office of William Mallory Kent, Jacksonville, for Appellant.

Charlie Crist, Attorney General; Robert R. Wheeler, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Appellant, Reyneldon Davis, appeals his convictions and sentences for conspiracy to traffic in cocaine and trafficking in cocaine. Davis claims the trial court

erred in denying his motion to suppress cocaine seized from his rental vehicle. We agree.

The trial court improperly based its denial of the motion to suppress upon a finding of a valid stop pursuant to Terry v. Ohio, 392 U.S. 1 (1968). At oral argument, the State conceded that the seizure of the cocaine from Davis' rental vehicle was not proper under Terry. Thus, we reverse the trial court's order denying Davis' motion to suppress and his convictions and sentences, and remand for a new trial. In light of our determination as to Davis' first claim on appeal, we decline to address Davis' additional claims.

Reversed and remanded for further proceedings consistent with this opinion.

WEBSTER, DAVIS and VAN NORTWICK, JJ., CONCUR.