

Attorney Patrick Megaro prevails in Appeal in 11th Circuit; lower court improperly granted immunity to police officer

Court of Appeals largely agreed with the arguments of attorney Patrick Megaro, that the police officer had no good reason ("probable cause") to stop driver

ORLANDO, FLORIDA, UNITED STATES, August 3, 2018 /EINPresswire.com/ -- Florida Criminal Defense Attorney [Patrick Megaro](#) prevailed on appeal in a case where a police officer stopped the vehicle of Mr. E.L. without justification. The [Law Firm of Halscott Megaro](#) PA announced that the U.S. Court of Appeals for the Eleventh Circuit largely agreed with the arguments of Mr. Megaro, that the police officer had no good reason ("probable cause") to stop E.L. The opinion of the three judges of the Court was unanimous ("per curiam").

The underlying criminal case arose out of a traffic stop. According to the police officer's testimony, E.L. was driving somewhat erratically, including multiple lane changes. When the officer stopped E.L., the testimony whether E.L. appeared intoxicated was contradictory.



Patrick Megaro, Criminal Defense Attorney, Clemency Petition for Corvain Cooper

The officer arrested E.L. for violating the Traffic Control Devices (changing lanes); for the violation Required Position and Method of Turning at Intersections (for turning into a middle lane instead of the nearest available lane); and finally, for Driving Under the Influence (DUI).

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... we support the police who are dedicated public servants sworn to protect public safety. For that we are truly grateful. However, everybody, even police officers, must follow the law ...”

Patrick Megaro, Defense Lawyer

Later testing revealed that the client had 0.0% of blood alcohol concentration, and absolutely no drugs in his system. Despite the testing results, the police officer maintained that the client appeared to be intoxicated.

On behalf of his client, Megaro filed a 42 U.S.C. §1983 action (civil rights violations), claiming that this was a false arrest. In the trial court, the judge granted the police officer qualified immunity and thus summary judgment (a

decision on the pleadings, without a formal trial).

Attorney Patrick Megaro appealed, and the Court agreed with the key arguments. On the issue of the multiple lane changes, the Court found that the applicable law does not prohibit such multiple lane changes, and it seems there were no solid yellow lane lines or solid double white lane lines. Thus, E.L.'s lane changes do not create a reason to arrest him. As to E.L.'s left turn into the middle instead of the nearest available lane, again the applicable law does not require that the turn be made to the extreme left hand lane lawfully available. There, based on the available information, the police officer did not have probable cause to stop and then arrest E.L.

Attorney Patrick Megaro comments: "First, let me say that we support the police who are dedicated public servants sworn to protect public safety. For that we are truly grateful. However, everybody, even police officers, must follow the law. We applaud the Court's ruling that no reasonable police officer could have believed that my client's conduct at the time of the stop was DUI."

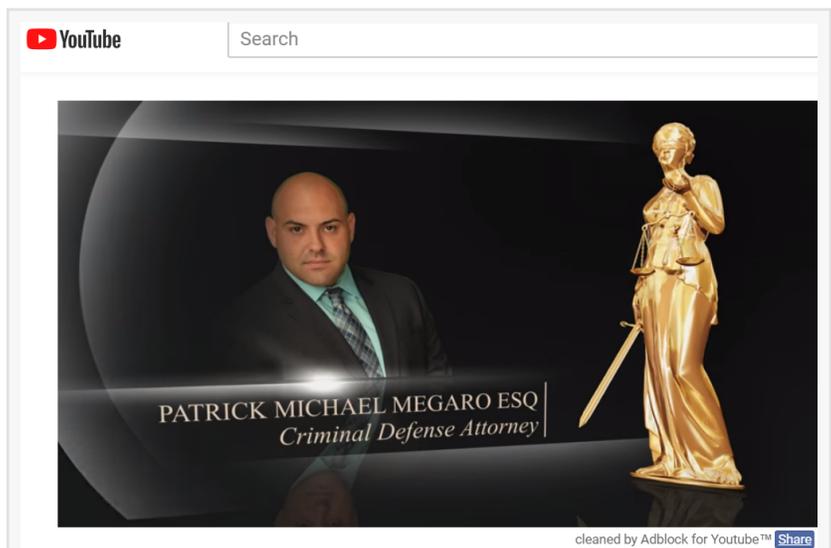
Mr. Megaro notes in particular that the police officer was "not entitled to qualified immunity on the false arrest claim because ... no reasonable police officer could have believed that [E.L.]'s conduct at the time of the stop constituted driving under the influence."

The Court send the case back to the trial court for a proceeding on the false arrest claim.

The underlying case is *Llorente v. Demings*, No. 17-14452 (11th Cir. 07/30/2018), see https://www.pacermonitor.com/public/case/9730427/Llorente_v_Demings_et_al

About Attorney Patrick Michael Megaro

Mr. Megaro is a native of New York where he played Division I college football and rugby at



Orlando Appeals Attorney (407) 255-2165 Appellate Lawyer

Video of Appeals Attorney Patrick Megaro YouTube Video



Patrick Megaro, Attorney, on Today Exclusive Television



Attorney Patrick Megaro on Fox News

Hofstra University before graduating from Hofstra Law School. While at Hofstra Law, Mr. Megaro found his calling in life as a litigator and courtroom attorney. In law school, he interned at The Legal Aid Society in Queens, New York City and practiced criminal defense at the Criminal Justice Clinic at Hofstra Law School, representing real clients prior to graduation.

Patrick Megaro began his legal career at The Legal Aid Society Criminal Defense Division in Manhattan, New

York City as a public defender. At Legal Aid, Mr. Megaro represented hundreds of clients charged with misdemeanors and major felony offenses, gaining invaluable trial experience fighting in court daily for the rights of clients in the area of criminal law. Mr. Megaro entered private practice as a criminal defense attorney in 2004 as an associate at a high-profile criminal defense law firm in New York City before forming his own firm in 2007. In private practice, Mr. Megaro represented clients in New York, New Jersey, Florida, and various Federal courts around the nation, concentrating on criminal trial defense, sentencing advocacy and mitigation, criminal appeals and post-conviction relief. In private practice he handled many high-profile criminal cases in New York City, earning a reputation as a fierce litigator in the area of criminal law. He continued to practice criminal law and appellate law in New York and New Jersey until 2014.

Since 2014, Mr. Megaro has been a partner at Halscott Megaro PA, based in Orlando, Florida, focusing in criminal defense, criminal appeals, post-conviction relief, and civil rights litigation. In his current position, he represents clients in legal appeals, post-conviction litigation, and at the trial court level. At the law firm of Halscott Megaro PA, Mr. Megaro joined forces with Orlando criminal defense attorney Jaime T. Halscott, Esq., bringing more than a decade of experience to Halscott Megaro PA in the area of criminal law. Website: <https://www.appealslawgroup.com/our-attorneys/patrick-megaro-esq/>

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