

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2009

DAMIEN FERNANDES,

Appellant,

v.

Case No. 5D08-3622

STATE OF FLORIDA,

Appellee.

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Opinion filed July 2, 2009

Appeal from the Circuit Court  
for Seminole County,  
Marlene M. Alva, Judge.

James S. Purdy, Public Defender, and  
Leonard R. Ross, Assistant Public Defender,  
Daytona Beach, for Appellant.

Bill McCollum, Attorney General, Tallahassee,  
and L. Charlene Matthews, Assistant Attorney  
General, Daytona Beach, for Appellee.

PER CURIAM.

Appellant, Damien Fernandes ["Appellant"], appeals the trial court's order denying his motion to suppress a search warrant after entering a plea of no contest.

At the suppression hearing, Appellant's counsel argued that the search warrant was not valid because it was not based on probable cause. Defense counsel argued that the search warrant was issued solely based on information obtained from Appellant's co-perpetrator, James Devine ["Devine"], and was not corroborated in any

way. It appears that Devine's statement against penal interest, as well as the other facts recited in the affidavit of the law enforcement officer, provided sufficient corroboration to permit a finding of probable cause. Even if the warrant were not based on a sufficient affidavit, the good faith exception articulated in *United States v. Leon*, 468 U.S. 897 (1984) applies.

AFFIRMED.

GRIFFIN, TORPY and LAWSON, JJ., concur.