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Alvarez-Mena v. Miami-Dade County

District Court of Appeal of Florida, Third District - November 27, 2019 - So.3d - 2019 WL 6333853

Motorist and his wife who were arrested outside their son's preschool brought claims against two plainclothes detectives for malicious prosecution and against the county for false arrest, battery, and negligent reporting of a crime.

The Circuit Court granted summary judgment in favor of the detectives and the county. Motorist and wife appealed.

The District Court of Appeal held that:

- Probable cause existed to arrest motorist;
- Genuine issues of material fact as to whether probable cause existed to arrest motorist's wife precluded summary judgment on false arrest and malicious prosecution claims;
- No cause of action for negligent reporting of a crime existed for alleged false reporting by law enforcement officers;
- Genuine issues of material fact as to whether detectives used excessive force while arresting motorist precluded summary judgment on battery claim; and
- Genuine issues of material fact as to whether probable cause existed to arrest motorist's wife precluded summary judgment on battery claim.

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