

# DRUG DEFENSE DECODED

A FLORIDA ATTORNEY'S  
GUIDE TO FIGHTING BACK



**W.F. CASEY EBSARY JR.**

BOARD CERTIFIED CRIMINAL TRIAL LAWYER



# **Drug Defense Decoded: A Florida Attorney's Guide to Fighting Back**

**By W.F. "Casey" Ebsary Jr.**

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**Published by:** W.F. "Casey" Ebsary Jr. Tampa, Florida  
<https://drug2go.com>

**ISBN:** [Pending]

**Cover Design:** AI-Assisted Modern Legal Aesthetic

**Printed in the United States of America**

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## Introduction: Why This Book Matters

When you are facing drug charges in Florida, the weight of the government is against you. I wrote this book because I have seen how a single arrest can derail a life, and I believe every person deserves a defense that is both aggressive and informed. We focus on dismantling the state's evidence from the moment of the first traffic stop to the final verdict. If you want to know more about my background as a Board Certified Criminal Trial Lawyer, you can visit my [About Me page](#). If you are ready to discuss your specific case, reach out to us at our [Contact Page](#).

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## Chapter 1: The Foundation of Your Defense



## **The Knock at the Door**

The moment you realize you are the target of a drug investigation, the world feels like it is closing in on you. Whether it started with blue lights in your rearview mirror on I-75 or a sudden knock at your front door, the adrenaline and fear can make it impossible to think clearly. I have spent my career standing between my clients and the overwhelming power of the state, and I can tell you from experience that what you do in these first few minutes will likely dictate the outcome of your entire case. This chapter is designed to strip away the confusion and show you exactly how we begin to dismantle the prosecution's narrative from the very first encounter.

## **The Illusion of Cooperation**

One of the most dangerous traps I see people fall into is the belief that they can "talk their way out" of a drug arrest. Law enforcement officers are trained to use your natural desire to be helpful against you, turning a casual conversation into a waiver of your most sacred constitutional rights. In my practice, we view every interaction with the police through the lens of the Fourth and Fifth Amendments, because we know that "cooperation" is often just another word for providing the state with the evidence they need to convict you. We start your defense by drawing a line in the sand and ensuring that the government plays by the rules—rules that I am here to enforce.

## Deconstructing the State's Case

A drug charge in Florida is rarely as open-and-shut as the police report makes it seem. The prosecution relies on a specific sequence of events: a lawful stop, a valid search, and proof that you had both knowledge and control of a controlled substance. I look at your case as a puzzle that needs to be taken apart piece by piece, searching for the crack in the foundation—perhaps an unreliable informant, a drug dog that isn't properly certified, or a search warrant built on stale information. Before we ever set foot in a courtroom for trial, we are working to suppress evidence and expose the technical failures that can lead to a dismissal or a significant reduction in charges.

### **Q1: What should I say to the police immediately after being stopped for suspected drug possession?**

I always advise my clients to remain polite but firm in exercising their right to remain silent. You should clearly state, "I am exercising my right to remain silent and I want to speak with my attorney, Casey Ebsary." We have found that any statement you make, even those intended to be exculpatory, can be twisted by the prosecution to establish "knowledge" of the substance.

- **Source:** [U.S. Constitution 5th Amendment - Justia](#)
- **Contact:** [Request Immediate Assistance](#)

## **Q2: Is a "hunch" enough for an officer to search my vehicle in Tampa?**

An officer must have more than a mere hunch; they are required to have "probable cause" to believe your vehicle contains evidence of a crime before conducting a warrantless search. I meticulously review the police reports to see if the officer's stated reason for the search holds up under judicial scrutiny. If we find that the search was based on a guess rather than specific, articulable facts, we can move to have the evidence suppressed.

- **Source:** [Florida Statute 901.151 - Justia](#)
- **Deep Link:** [Challenging Unlawful Searches](#)

## **Q3: How does the Fourth Amendment protect me during a Florida drug sweep?**

The Fourth Amendment protects you against "unreasonable" searches and seizures, ensuring that the government cannot intrude upon your privacy without legal justification. In my practice, we use this constitutional shield to challenge mass drug sweeps where individuals are often detained without specific individualized suspicion. We argue that any evidence obtained during an unconstitutional detention must be thrown out of court.

- **Source:** [U.S. Constitution 4th Amendment - Justia](#)
- **Deep Link:** [Constitutional Defense Strategies](#)

## **Q4: What happens if the police didn't read me my Miranda Rights?**

If you were in custody and being interrogated without being read your Miranda rights, any incriminating statements you made may be inadmissible in court. I

frequently file motions to suppress these statements to prevent the state from using your own words against you. However, it is a common misconception that a failure to read rights automatically dismisses the entire case; it only affects the evidence gathered during that specific window.

- **Source:** [Miranda v. Arizona - Justia](#)
- **Contact:** [Consult with Casey](#)

**Q5: Can I be arrested if the drugs were found in a common area of a shared apartment?**

Yes, you can be arrested under the theory of "constructive possession," but the state faces a much higher burden of proof in shared spaces. We fight these charges by demonstrating that you did not have exclusive control over the area and were unaware of the drugs' presence. I focus on showing the court that mere proximity to an illegal substance is not enough for a criminal conviction.

- **Source:** [Florida Statute 893.13 - Justia](#)
- **Deep Link:** [Understanding Constructive Possession](#)

**Q6: Is a warrant always required for the police to search my home for controlled substances?**

While the home is given the highest level of protection, there are "exigent circumstances" like the destruction of evidence or "plain view" that allow police to enter without a warrant. I examine these entries closely to ensure the police didn't manufacture the "emergency" just to bypass the warrant requirement. If we prove the entry was unlawful, everything they found inside—including drugs and paraphernalia—can be excluded.

- **Source:** [Florida Constitution Article I, Section 12 - Justia](#)
- **Deep Link:** [Search Warrant Defense](#)

**Q7: What is "Reasonable Suspicion" vs. "Probable Cause" in a narcotics investigation?**

Reasonable suspicion is a lower standard that allows an officer to briefly detain and frisk you, while probable cause is the higher standard needed for an arrest or a full search. I often argue that an officer overstepped by turning a brief investigative stop into a full-blown arrest without the necessary probable cause. We aim to show the judge that the officer's actions were a "fishing expedition" rather than a lawful investigation.

- **Source:** [Terry v. Ohio - Justia](#)
- **Contact:** [Contact our Tampa Office](#)

**Q8: Can a K-9 unit sniff my car during a routine traffic stop for speeding?**

A K-9 sniff is legal as long as it does not "unreasonably prolong" the duration of the initial traffic stop. We use dashcam footage and GPS data to prove that the officer delayed the ticket-writing process specifically to wait for the dog to arrive. If the stop was extended by even a few minutes without independent suspicion, we can often get the resulting drug evidence suppressed.

- **Source:** [Rodriguez v. United States - Justia](#)
- **Deep Link:** [K-9 Sniff and Traffic Stops](#)

### **Q9: What if the police used a confidential informant (CI) to set me up?**

Cases involving CIs are often ripe for defense because the informants themselves are frequently motivated by their own legal troubles to lie or exaggerate. I demand the disclosure of the CI's identity and history to expose any bias or "entrapment" that occurred during the investigation. We work to show that the CI, not you, was the primary driver of the illegal activity.

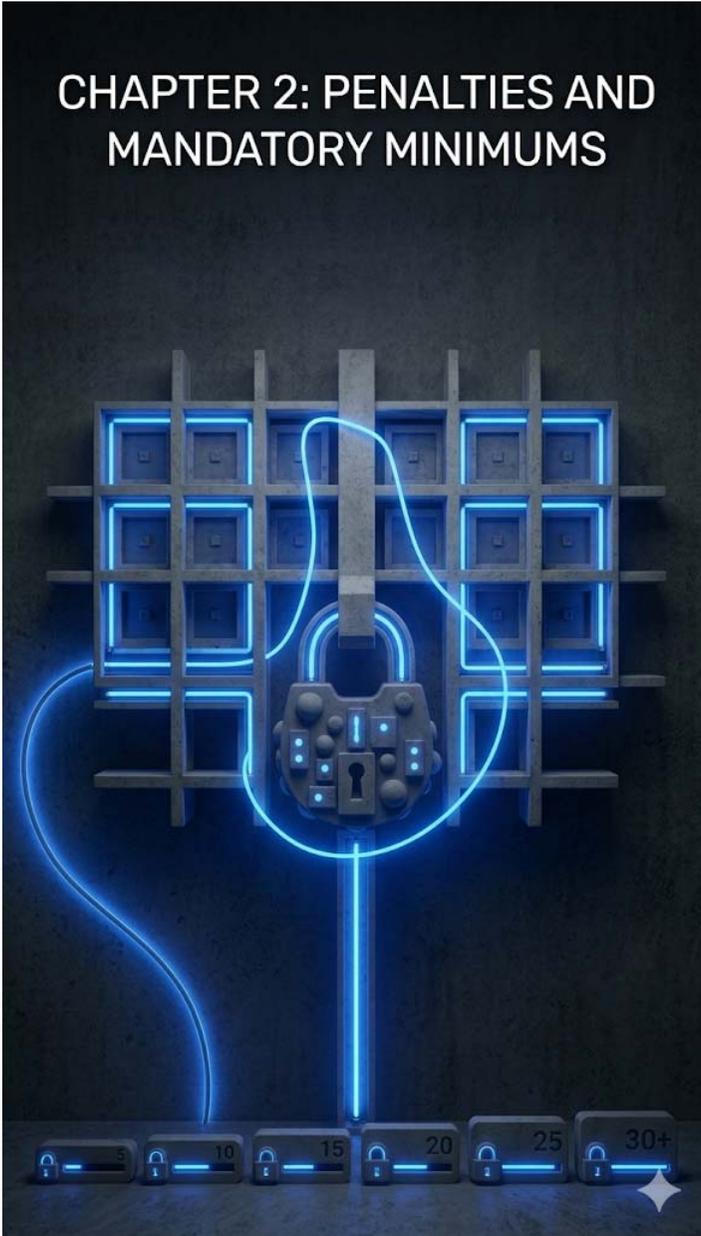
- **Source:** [Florida Rule of Criminal Procedure 3.220 - Justia](#)
- **Deep Link:** [Defending Against Informants](#)

### **Q10: How do I document police misconduct during a drug arrest?**

If you believe your rights were violated, try to remember the names and badge numbers of the officers and look for any third-party witnesses or surveillance cameras. I use this information to subpoena body camera footage and internal affairs records to build a case for misconduct. Documenting the timeline of events immediately after your release is critical for my ability to file a successful motion to suppress.

- **Source:** [Florida Statute 112.532 - Justia](#)
- **Contact:** [Case Review Request](#)

## Chapter 2: Penalties and Mandatory Minimums



## **The Mathematical Trap**

In Florida, the criminal justice system often operates like a cold, uncompromising machine when it comes to sentencing. Once the state proves a certain weight of a controlled substance, the law takes the gavel out of the judge's hand and replaces it with a calculator. This "mathematical trap" means that your history, your family, and your character are often pushed aside in favor of a rigid grid of years and fines. I focus on disrupting this calculation at every turn, because we know that if we can successfully challenge the way a substance was weighed or tested, we can break the machine and restore the judge's power to be fair.

## **Mandatory Minimums: A One-Size-Fits-All Failure**

We have seen firsthand how mandatory minimum sentences fail the citizens of Tampa by treating a first-time offender the same as a career criminal. These laws were designed to be "tough on crime," but they frequently result in disproportionate punishments that do nothing to address the root causes of substance abuse or community safety. In my practice, we view these minimums as a direct challenge to your liberty, and we utilize every legal exception—from "Substantial Assistance" to "Safety Valve" arguments—to ensure you aren't swallowed by a one-size-fits-all sentence. Our goal is to move your case into a category where your individual story actually matters to the court.

## **The 2026 Legislative Landscape**

The laws governing drug penalties in Florida are not static; they are constantly evolving, often becoming more restrictive and complex. For example, as of 2026, new statutes have introduced mandatory minimums for

emerging substances like **Xylazine** and enhanced penalties for **Fentanyl** analogues, making the stakes higher than they have ever been. I stay at the absolute forefront of these legislative changes so that we are never surprised in the courtroom. We analyze your charges not just against the law as it was, but as it is today, ensuring that every possible defense offered by current Florida Statutes is leveraged in your favor.

### **Q11: What are the specific penalties for Possession of Cannabis Less Than 20 Grams?**

Possession of less than 20 grams of marijuana is a first-degree misdemeanor in Florida, punishable by up to one year in jail and a \$1,000 fine. However, we often negotiate for a "Withhold of Adjudication" or a diversion program to keep this off your permanent record. It is also important to remember that even a misdemeanor conviction can lead to a driver's license suspension.

- **Source:** [Florida Statute 893.13\(6\)\(b\) - Justia](#)
- **Deep Link:** [Cannabis Possession Defense](#)

### **Q12: How does Florida law distinguish between Schedule I and Schedule V substances?**

Florida classifies drugs based on their potential for abuse and whether they have a currently accepted medical use, with Schedule I being the most restrictive. Schedule I drugs, like heroin or LSD, carry the harshest penalties because the state views them as having no medical value. We focus on these classifications to determine the "severity level" of your charge on the Florida sentencing scoresheet.

- **Source:** [Florida Statute 893.03 - Justia](#)
- **Deep Link:** [Drug Schedule Guide](#)

### **Q13: What makes a drug charge a felony instead of a misdemeanor in Florida?**

In Florida, possession of almost any controlled substance other than a small amount of marijuana is automatically a third-degree felony. This includes "hard" drugs like cocaine, as well as prescription pills like Xanax or Oxycodone found without a prescription. We work to "down-charge" these felonies to misdemeanors whenever possible by challenging the state's evidence early in the process.

- **Source:** [Florida Statute 775.082 - Justia](#)
- **Contact:** [Felony Defense Consultation](#)

### **Q14: What are the weight thresholds for Trafficking in Cocaine?**

Trafficking charges in Florida begin once the weight of the cocaine reaches 28 grams, which triggers a three-year mandatory minimum prison sentence. As the weight increases to 200 grams or 400 grams, the mandatory minimums jump to 7 and 15 years respectively. I focus on challenging the lab results and the weighing methods used by the police to see if we can get the weight below these high-stakes thresholds.

- **Source:** [Florida Statute 893.135\(1\)\(b\) - Justia](#)
- **Deep Link:** [Cocaine Trafficking Penalties](#)

### **Q15: Is possession of a single Xanax pill without a prescription a felony?**

Yes, because alprazolam (Xanax) is a controlled substance, possessing even one pill without a valid prescription is a third-degree felony. I frequently help clients who simply forgot their prescription at home or

had a loose pill in their bag by providing proof of a valid medical need. We use this documentation to get the state to drop the charges entirely before the case reaches a courtroom.

- **Source:** [Florida Statute 893.13\(6\)\(a\) - Justia](#)
- **Deep Link:** [Prescription Drug Defense](#)

### **Q16: How does Florida law define "Delivery of a Controlled Substance"?**

"Delivery" is defined broadly as the actual, constructive, or attempted transfer of a controlled substance from one person to another. You do not need to exchange money for it to be considered delivery; simply handing a drug to a friend can lead to a second-degree felony charge. We fight these cases by arguing that there was no "intent" to deliver or that the state's witnesses are unreliable.

- **Source:** [Florida Statute 893.02\(6\) - Justia](#)
- **Contact:** [Contact Casey Ebsary](#)

### **Q17: What are the risks of being charged with "Possession with Intent to Sell" near a school?**

Selling or possessing drugs with the intent to sell within 1,000 feet of a school, park, or place of worship carries significantly enhanced penalties and mandatory minimums. I use specialized mapping tools to verify whether the arrest actually took place within that protected zone to challenge the state's enhancement. If we can prove you were outside the boundary, we can often significantly reduce the potential prison time.

- **Source:** [Florida Statute 893.13\(1\)\(c\) - Justia](#)
- **Deep Link:** [Drug Zone Enhancements](#)

### **Q18: Does Florida classify "Delta-8" or hemp products as illegal controlled substances?**

As of 2026, Florida's laws on hemp-derived products like Delta-8 are in flux, especially following new federal restrictions that narrow the definition of hemp. We stay at the forefront of these changes to defend clients who were lawfully possessing what they believed to be a legal product. I argue that a "good faith" belief in the legality of the substance should prevent a criminal conviction.

- **Source:** [Florida Statute 581.217 - Justia](#)
- **Deep Link:** [Hemp and Delta-8 Defense](#)

### **Q19: What is the mandatory minimum for trafficking 4 grams of Fentanyl?**

Under Florida Statute 893.135, possessing just 4 grams of Fentanyl or its derivatives triggers an automatic **three-year mandatory minimum** prison sentence and a \$50,000 fine. Because Fentanyl is extremely potent, the state treats even small amounts as a major trafficking offense, leaving the judge with no discretion to reduce the time unless we successfully argue for a legal exception. We focus our defense on challenging the lab's chemical analysis and the precision of the weighing instruments to see if the weight can be brought below this life-altering threshold.

- **Source:** [Florida Statute 893.135\(1\)\(c\)\(4\) - Justia](#)
- **Deep Link:** [Fentanyl Trafficking Defense](#)

### **Q20: Can I be charged for having an empty baggie with drug residue?**

Yes, in Florida, you can be charged with a third-degree felony for "Possession of a Controlled Substance" even if

the amount is just a microscopic residue in a discarded baggie or pipe. While the amount may seem insignificant, the law does not require a specific weight for a possession charge, only proof that the substance was present and that you had knowledge of it. I work to defend these "residue only" cases by arguing that the amount was too small to knowingly possess or by challenging the legality of the search that uncovered the item.

- **Source:** [Florida Statute 893.13\(6\)\(a\) - Justia](#)
- **Contact:** [Request a Case Evaluation](#)

### **Q21: How do we file a Motion to Suppress evidence in a drug case?**

A Motion to Suppress is a formal request I file asking the judge to exclude evidence that was obtained in violation of your constitutional rights. We typically argue that a search was conducted without a warrant or that a traffic stop was initiated without reasonable suspicion. If the judge grants our motion, the state often has no choice but to dismiss the charges because the physical evidence is no longer allowed in the trial.

- **Source:** [Florida Rule of Criminal Procedure 3.190 - Justia](#)
- **Deep Link:** [Fighting Illegal Evidence](#)

### **Q22: What is "Lack of Knowledge" as an affirmative defense?**

Under Florida law, the state must prove not only that you possessed a substance, but that you had knowledge of its illicit nature. I use this defense when a client is caught with a package they didn't open or driving a vehicle they didn't realize contained hidden contraband. We work to

establish that there is a "reasonable doubt" as to whether you actually knew the substance was an illegal drug.

- **Source:** [Florida Statute 893.101 - Justia](#)
- **Contact:** [Discuss Your Defense](#)

### **Q23: Can we challenge the accuracy of a roadside drug testing kit?**

Roadside "field tests" are notorious for producing false positives, often flagging common household items as illegal narcotics. I frequently challenge these results by demanding formal laboratory testing and questioning the officer's training on the specific kit used. We aim to show the court that the initial arrest was based on a flawed scientific method that does not meet the standards for a conviction.

- **Source:** [Florida Statute 90.702 - Justia](#)
- **Deep Link:** [Flawed Drug Testing Defense](#)

### **Q24: How do we contest the "Weight" of the drugs if they were mixed with legal substances?**

Florida law often allows the state to count the entire weight of a "mixture" toward a trafficking threshold, even if the actual drug content is minimal. I bring in independent forensic experts to re-weigh and re-analyze the evidence to ensure the state isn't overcharging you based on "filler" materials. If we can knock the weight down by even a fraction of a gram, it can mean the difference between decades in prison and a far lighter sentence.

- **Source:** [Florida Statute 893.135 - Justia](#)
- **Contact:** [Case Evaluation](#)

## **Q25: What is the "Entrapment" defense and when does it apply?**

Entrapment occurs when law enforcement or their agents induce you to commit a crime that you were not otherwise predisposed to commit. We use this defense when undercover officers or confidential informants use high-pressure tactics, threats, or extraordinary appeals to emotion to force a sale or purchase. My focus is on showing the jury that the criminal intent originated entirely with the government, effectively turning a "setup" into a dismissal of charges.

- **Source:** [Florida Statute 777.201 - Justia](#)
- **Deep Link:** [Entrapment and Undercover Stings](#)

## **Q26: How can we prove "Constructive Possession" was not established?**

To prove constructive possession in a shared space, the state must show you had knowledge of the drugs and the ability to maintain "dominion and control" over them. I dismantle these cases by highlighting that other people had access to the area—such as a passenger in your car or a roommate in your apartment—which creates reasonable doubt. We argue that your mere proximity to the illegal substance is legally insufficient for a conviction under Florida law.

- **Source:** [Florida Statute 893.13 - Justia](#)
- **Deep Link:** [Understanding Constructive Possession](#)

## **Q27: What happens if the laboratory chain of custody was broken?**

The "chain of custody" is the documented, unbroken trail showing who handled the evidence from the moment it was seized until it reached the lab for testing. If I find a gap in this record—such as a missing signature or a bag left in an unsecured locker—we can move to have the evidence excluded because its integrity is compromised. We hold the state to a high standard, ensuring they cannot use "mystery evidence" to secure a felony conviction against you.

- **Source:** [Florida Evidence Code 90.901 - Justia](#)
- **Contact:** [Evidence Review Consultation](#)

## **Q28: Can a "Medical Necessity" defense work for marijuana possession?**

While Florida has a medical marijuana program, the "medical necessity" common law defense still exists for those caught with cannabis who might fall outside the technical scope of the registry. This requires proving you had no legal alternative, the harm you sought to avoid was greater than the harm of breaking the law, and that a doctor supported your use. We use this as a strategic shield to show the court that your actions were driven by health requirements rather than criminal intent.

- **Source:** [Florida Supreme Court - Jenks v. State](#)
- **Deep Link:** [Medical Marijuana Defense](#)

## **Q29: How do we challenge a search warrant based on a "Stale" tip?**

A search warrant must be based on "fresh" information; if a confidential informant claims they saw drugs in a house

three weeks ago, that information is often considered legally "stale." I analyze the timeline between the observation and the warrant application to argue that there was no probable cause to believe the drugs were still present. If the judge agrees the tip was too old, we can suppress all evidence found during the execution of that warrant.

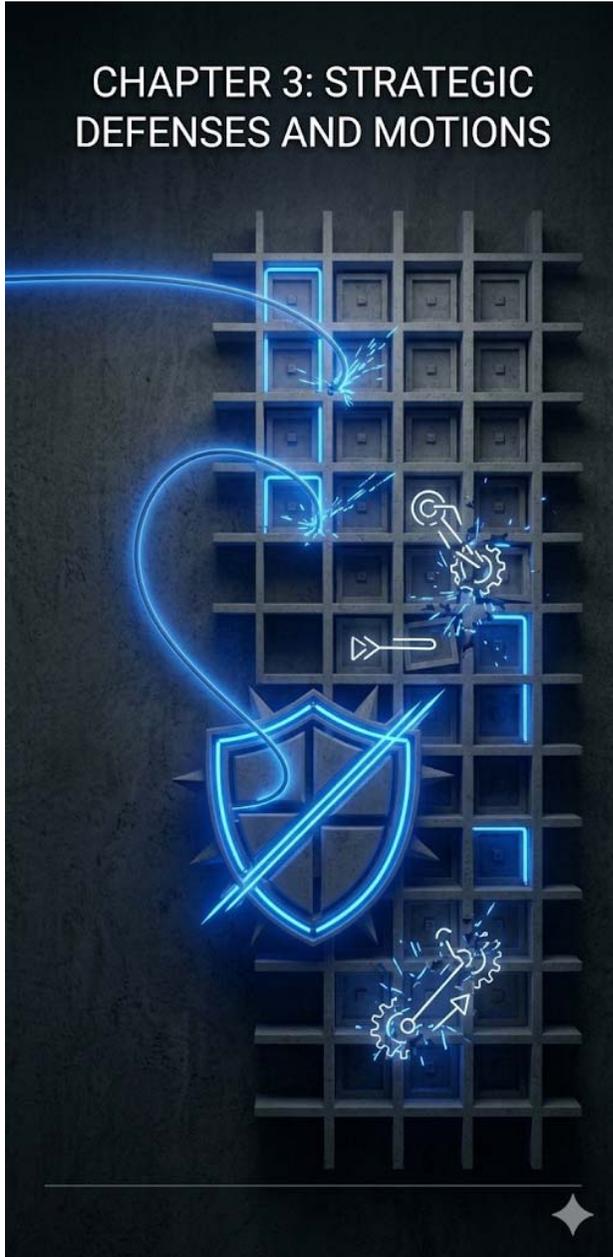
- **Source:** [Florida Statute 933.05 - Justia](#)
- **Deep Link:** [Challenging Search Warrants](#)

### **Q30: What if the officer's body camera footage contradicts their written report?**

In 2026, body-worn camera (BWC) footage is often the single most important piece of evidence in a drug defense case. I meticulously compare the officer's sworn affidavit with the video to find discrepancies in their claims regarding "plain smell" or your supposed "consent" to a search. When the camera tells a different story than the officer, we use that contradiction to file motions to suppress and destroy the credibility of the state's primary witness.

- **Source:** [Florida Statute 943.1718 - Justia](#)
- **Contact:** [Request Video Evidence Review](#)

## Chapter 3: Strategic Defenses and Motions



## **The Watershed Shift in Florida Search Law**

The ground beneath Florida's "plain smell" doctrine has officially shifted, and as of 2026, we are operating in a new era of Fourth Amendment protections. For decades, the mere odor of cannabis gave police a "blank check" to search your vehicle or home without a warrant. However, following landmark appellate rulings in late 2025—such as *Williams v. State* right here in the Second DCA—the courts have recognized that because legal hemp and medical marijuana smell identical to illegal cannabis, odor alone is no longer enough to establish probable cause. In my practice, we are aggressively using these 2026 standards to file motions to suppress, arguing that any search based solely on a "hunch" or a smell is a violation of your constitutional rights.

## **The "Blind Mule" and Affirmative Defenses**

Because Florida drug laws are built on a "strict liability" framework, the state doesn't always have to prove you intended to break the law—only that you possessed the substance. This makes the "Affirmative Defense" of lack of knowledge one of the most vital tools in our arsenal. We specialize in what we call the "Blind Mule" defense, where we use digital forensics, text message history, and witness testimony to prove you were an unwitting participant who had no "guilty knowledge" of the drugs hidden in a shared space or a delivered package. We don't wait for the state to prove you knew; we take the lead and prove you didn't, shifting the narrative back to your innocence.

## **Technical Challenges: The Science of the Defense**

Strategic defense is as much about chemistry and physics as it is about the law. In 2026, with the rise of complex Fentanyl mixtures and synthetic analogues, the

state's laboratory testing and weighing procedures are more prone to error than ever before. I work with independent toxicologists and forensic experts to scrutinize the "chain of custody" and the calibration of the scales used to trigger those high-stakes trafficking thresholds. By filing targeted *Motions in Limine* and challenging the "junk science" of field test kits, we aim to dismantle the technical foundation of the state's evidence before it ever reaches a jury.

### **Q31: Why is intent irrelevant in a Florida drug trafficking charge?**

In Florida, trafficking is a "strict liability" weight-based offense, meaning the state doesn't have to prove you intended to sell the drugs. Simply possessing a specific amount, such as 28 grams of cocaine, automatically classifies the crime as trafficking. We focus our defense on the legality of the seizure and the accuracy of the weight, as your personal intent won't stop the mandatory minimums from applying.

- **Source:** [Florida Statute 893.135 - Justia](#)
- **Deep Link:** [Cocaine Trafficking Specifics](#)

### **Q32: What is the "Substantial Assistance" rule?**

Substantial assistance is a legal mechanism where a defendant provides help to law enforcement in exchange for a reduction or suspension of a mandatory minimum sentence. I carefully negotiate these "Rule 3.170" agreements to ensure my clients are protected and that the state actually follows through on their promise of leniency. This is often the only way to avoid years of prison time when the evidence against you is overwhelming.

- **Source:** [Florida Statute 893.135\(4\) - Justia](#)
- **Contact:** [Confidential Legal Consultation](#)

### **Q33: Can I be charged with trafficking for my own prescription medication?**

Yes, if you possess a large enough quantity of pills like Hydrocodone or Oxycodone without a valid, current prescription, the state can charge you with trafficking. We defend these cases by providing medical records and pharmacy logs to prove that you were lawfully prescribed the medication for a legitimate condition. My goal is to show the prosecutor that this is a medical issue, not a criminal enterprise.

- **Source:** [Florida Statute 893.135\(1\)\(c\) - Justia](#)
- **Deep Link:** [Prescription Trafficking Defense](#)

### **Q34: How do "Mandatory Minimums" limit a judge's ability to be lenient?**

Mandatory minimum laws take away a judge's discretion, forcing them to impose a set number of years in prison regardless of your character or lack of prior record. I work to attack the charges themselves or find legal exceptions, like the "Safety Valve," to move the case out of the mandatory minimum range. Our strategy is built on the reality that once you are convicted of the trafficking weight, the judge's hands are tied.

- **Source:** [Florida Statute 775.082 - Justia](#)
- **Deep Link:** [Sentencing and Mandatory Minimums](#)

### **Q35: What are the penalties for trafficking in Hydrocodone or Oxycodone?**

Trafficking in these opioids carries some of the harshest penalties in Florida, with 7 grams of Oxycodone triggering a 3-year mandatory minimum. If the weight reaches 100 grams or more, you could be facing a 25-year mandatory minimum sentence and a \$750,000 fine. We analyze the specific chemical makeup of the pills

seized to ensure the state isn't misclassifying the substance to trigger higher penalties.

- **Source:** [F.S. 893.135\(1\)\(c\) - Justia](#)
- **Contact:** [Contact our Tampa Defense Team](#)

### **Q36: Can the state seize my car or cash under the Florida Contraband Forfeiture Act?**

Yes, law enforcement can seize any property they believe was used in the commission of a drug felony or purchased with the proceeds of drug sales. I fight these civil forfeiture actions separately from the criminal case to try and get your vehicle or money returned. You only have a limited window of time to request an "adversarial preliminary hearing," so acting fast is critical to saving your assets.

- **Source:** [Florida Statute 932.701 - Justia](#)
- **Deep Link:** [Asset Seizure Defense](#)

### **Q37: How does "Manufacturing" differ from "Possession" in a meth lab case?**

Manufacturing charges apply if you are caught with the equipment or precursors used to produce controlled substances, and they carry much higher sentencing points than simple possession. I often argue that the "manufacturing" equipment was for a legal purpose or that the client was merely present and not actively participating in the production. These cases require a technical defense to challenge the state's expert witnesses on chemical processes.

- **Source:** [Florida Statute 893.13\(1\)\(a\) - Justia](#)
- **Contact:** [Request a Free Consultation](#)

### **Q38: What is a "conspiracy to distribute" charge?**

A conspiracy charge means the state believes you had an agreement with at least one other person to commit a drug crime. They don't have to prove you ever actually touched the drugs, only that you were part of the planning or coordination. We dismantle these "guilt by association" cases by showing there was no specific agreement or that the evidence of a conspiracy is purely circumstantial.

- **Source:** [Florida Statute 777.04 - Justia](#)
- **Deep Link:** [Conspiracy Defense Tactics](#)

### **Q39: Can out-of-state visitors be charged with trafficking for legal meds?**

If you are visiting Florida and carrying a large amount of prescription medication that isn't in its original container, you are at high risk for a trafficking arrest. I work with out-of-state clients to obtain their home-state medical records and prove the legality of their medication to local prosecutors. We strive to resolve these "misunderstanding" cases quickly so you can return home without a permanent criminal record.

- **Source:** [Florida Statute 465.0276 - Justia](#)
- **Contact:** [Out-of-State Client Support](#)

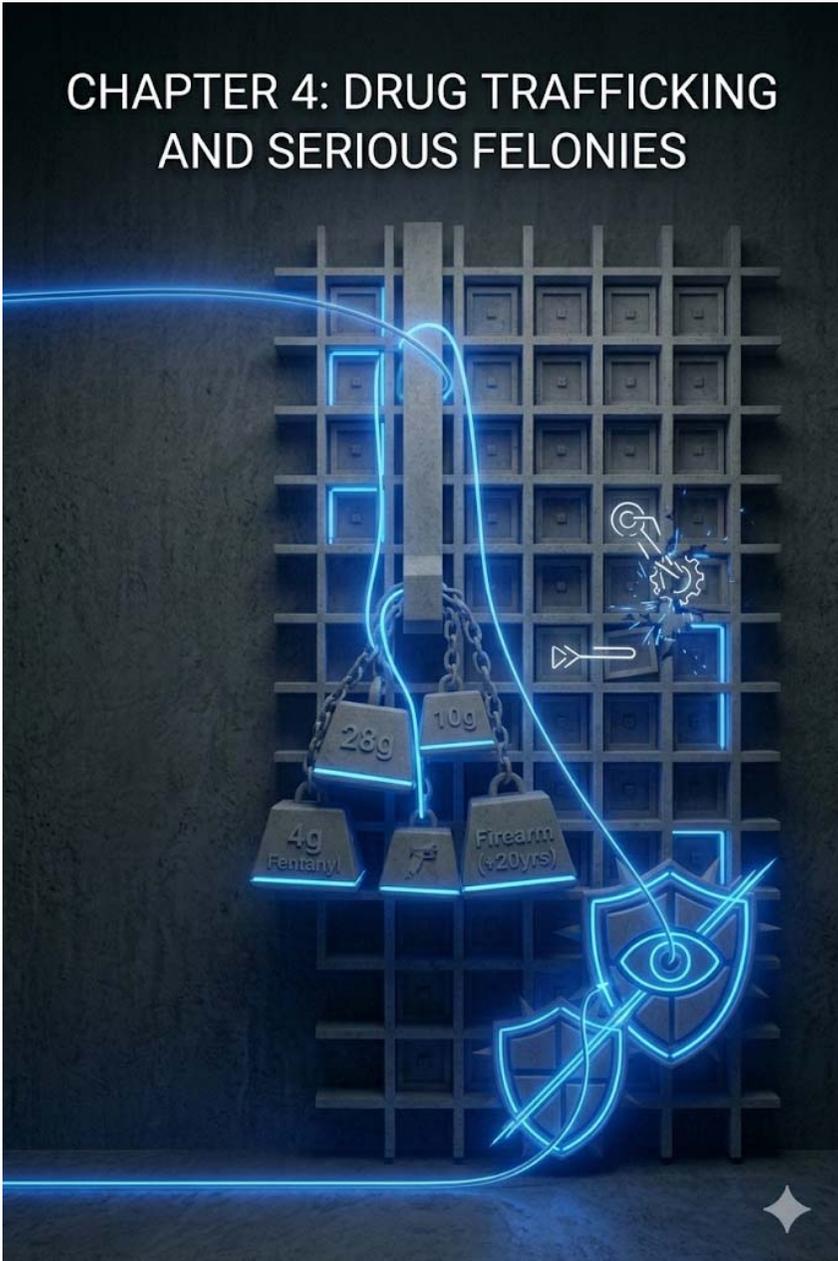
### **Q40: What is the 25-year mandatory minimum threshold?**

The 25-year mandatory minimum is triggered by high-weight trafficking of substances like fentanyl (28 grams or more) or oxycodone (100 grams or more). This is essentially a life sentence for many, and we treat these cases with the extreme urgency they require by challenging every piece of evidence from the ground up. I

leave no stone unturned in looking for constitutional violations that could lead to a dismissal or a significantly reduced charge.

- **Source:** [Florida Statute 893.135 - Justia](#)
- **Deep Link:** [Fentanyl Trafficking Penalties](#)

**Chapter 4: Drug Trafficking and Serious Felonies**



## **The Weight of the State**

In Florida, the word "trafficking" conjures images of international cartels, but the legal reality is far more clinical and often more devastating for the average person. Under Florida Statute 893.135, trafficking is not defined by the act of selling; it is defined almost entirely by the weight of the substance in your possession. As of 2026, the thresholds have never been more aggressive, particularly with the inclusion of new synthetic mixtures. We approach these cases by meticulously auditing the state's weighing process, because in a trafficking case, a fraction of a gram is the difference between going home and spending decades in a state prison.

## **The Pill Trap: Binders, Fillers, and Thresholds**

One of the most dangerous aspects of Florida's trafficking laws is how the state calculates weight for prescription medications. If you are found with a handful of hydrocodone or oxycodone pills, the law does not just count the active drug; it counts the entire weight of the pill, including the inert binders and fillers. This means a relatively small number of tablets can quickly skyrocket you past the 7-gram or 14-gram trafficking thresholds. I have built a career on exposing this "pill trap," using pharmacological experts to demonstrate that a client's possession was for personal use, not distribution, and fighting to move the case out of these extreme sentencing tiers.

## **The High Stakes of Fentanyl and Xylazine**

The 2026 legal landscape has introduced unprecedented penalties for substances like Fentanyl and the emerging threat of Xylazine (often called "Tranq"). Because of their extreme potency, the trafficking thresholds for these

drugs are remarkably low—just 4 grams of Fentanyl or 28 grams of Xylazine can trigger mandatory minimum sentences that judges are legally powerless to waive. We treat these cases with the urgency of a life-or-death situation from day one. Our strategy involves a deep-dive investigation into the lab's chemical analysis to ensure the state isn't misclassifying substances just to secure a harsher mandatory sentence.

### **Q41: Can I be arrested for having a valid medical marijuana card?**

Yes, your medical marijuana card only protects you if you are in strict compliance with the Florida Department of Health's storage and consumption regulations. I have seen clients arrested because they transferred their medication into a non-approved container or were found consuming it in a public space where usage remains strictly prohibited. We defend these cases by proving your actions were a technical oversight in a complex regulatory system rather than a criminal attempt to distribute.

- **Source:** [Florida Statute 381.986 - Justia](#)
- **Deep Link:** [Medical Marijuana Compliance](#)

### **Q42: What happens if I keep my prescription pills in a daily organizer instead of the original bottle?**

Under Florida law, an officer can arrest you for possession if they find controlled substances—even your own prescribed Xanax or Adderall—outside of their pharmacy-labeled container. I work with my clients to quickly provide valid pharmacy records and doctor's notes to the prosecutor to show that the possession was entirely lawful. Our goal is to have the state "No Process"

or drop the charges before they are even officially filed at your arraignment.

- **Source:** [Florida Statute 465.0276 - Justia](#)
- **Contact:** [Request a Case Review](#)

#### **Q43: Is "Doctor Shopping" a felony in Florida?**

"Doctor shopping," which involves seeking the same or similar controlled substance from multiple practitioners without disclosing your previous prescriptions, is a third-degree felony in Florida. I defend these cases by reviewing your medical necessity and checking for actual overlaps in the prescriptions provided via the E-FORCSE database. We often find that a lack of coordination between different medical offices, rather than criminal intent, led to the multiple prescriptions.

- **Source:** [Florida Statute 893.13\(7\)\(a\) - Justia](#)
- **Deep Link:** [Defending Prescription Fraud](#)

#### **Q44: Can a pharmacist be held liable for filling a "suspicious" prescription?**

Pharmacists have a "corresponding responsibility" to ensure a prescription is for a legitimate medical purpose, and failure to do so can lead to criminal charges for the pharmacist. I represent medical professionals whose licenses are at stake by showing that they followed all "Red Flag" protocols and acted in good faith. We fight to protect both your freedom and your professional standing in these high-stakes white-collar drug cases.

- **Source:** [Florida Statute 893.04 - Justia](#)
- **Deep Link:** [Medical Professional Defense](#)

### **Q45: What are the legal limits for possessing medical marijuana concentrates?**

Florida law sets strict daily dose limits and a 70-day supply cap for medical marijuana concentrates, and exceeding these amounts can lead to an arrest for possession with intent to sell. I analyze your physician's recommendations and the dispensary's records to prove that your possession was within the scope of your medical treatment plan. If the state tries to argue "intent to sell" based on quantity, we counter with the reality of your documented medical needs.

- **Source:** [Florida Administrative Code 64-4.011 - Justia](#)
- **Contact:** [Medical Marijuana Defense Team](#)

### **Q46: Can I lose my job for using medical marijuana even if I have a card?**

Currently, Florida law allows most private employers to terminate employees for testing positive for marijuana, regardless of their medical card status. However, we are tracking new 2026 legislative trends that are beginning to provide limited protections for public employees and specific industries. I consult with clients on how to navigate these workplace drug policies while maintaining their legal medical treatments and protecting their livelihoods.

- **Source:** [SB 136 \(2026\) - Florida Senate](#)
- **Deep Link:** [Employment and Marijuana Law](#)

### **Q47: How does Florida law view "Prescription Fraud"?**

Prescription fraud involves obtaining controlled substances through forgery, alteration, or misrepresentation and is prosecuted as a serious third-degree felony. I investigate the chain of custody of the prescription itself and look for any technical flaws in the state's evidence of "misrepresentation." My goal is to prevent a single mistake from turning into a permanent felony conviction through diversion or targeted plea negotiations.

- **Source:** [Florida Statute 831.30 - Justia](#)
- **Contact:** [Contact Casey Ebsary](#)

### **Q48: Are "synthetic" opioids treated differently than natural ones?**

Florida has aggressively updated its laws to treat synthetic opioids like Fentanyl even more harshly than natural opioids like Morphine due to their extreme potency. I have seen cases where the mere presence of a synthetic analogue triggers massive trafficking weights and high mandatory prison sentences. We focus on the specific chemical analysis provided by the state to ensure they haven't misidentified a less-severe substance as a synthetic opioid.

- **Source:** [Florida Statute 893.03 - Justia](#)
- **Deep Link:** [Synthetic Drug Penalties](#)

### **Q49: Can I be charged with DUI for driving while on my prescribed medication?**

Yes, you can be charged with a DUI if a prescribed drug "impairs your normal faculties," even if you took the

medication exactly as directed by your doctor. I defend these cases by arguing that the "impairment" seen by the officer was actually a medical side effect or a different physical condition entirely. We use medical experts to show that the concentration of the drug in your system was not at a level that would cause legal impairment.

- **Source:** [Florida Statute 316.193 - Justia](#)
- **Deep Link:** [Prescription DUI Defense](#)

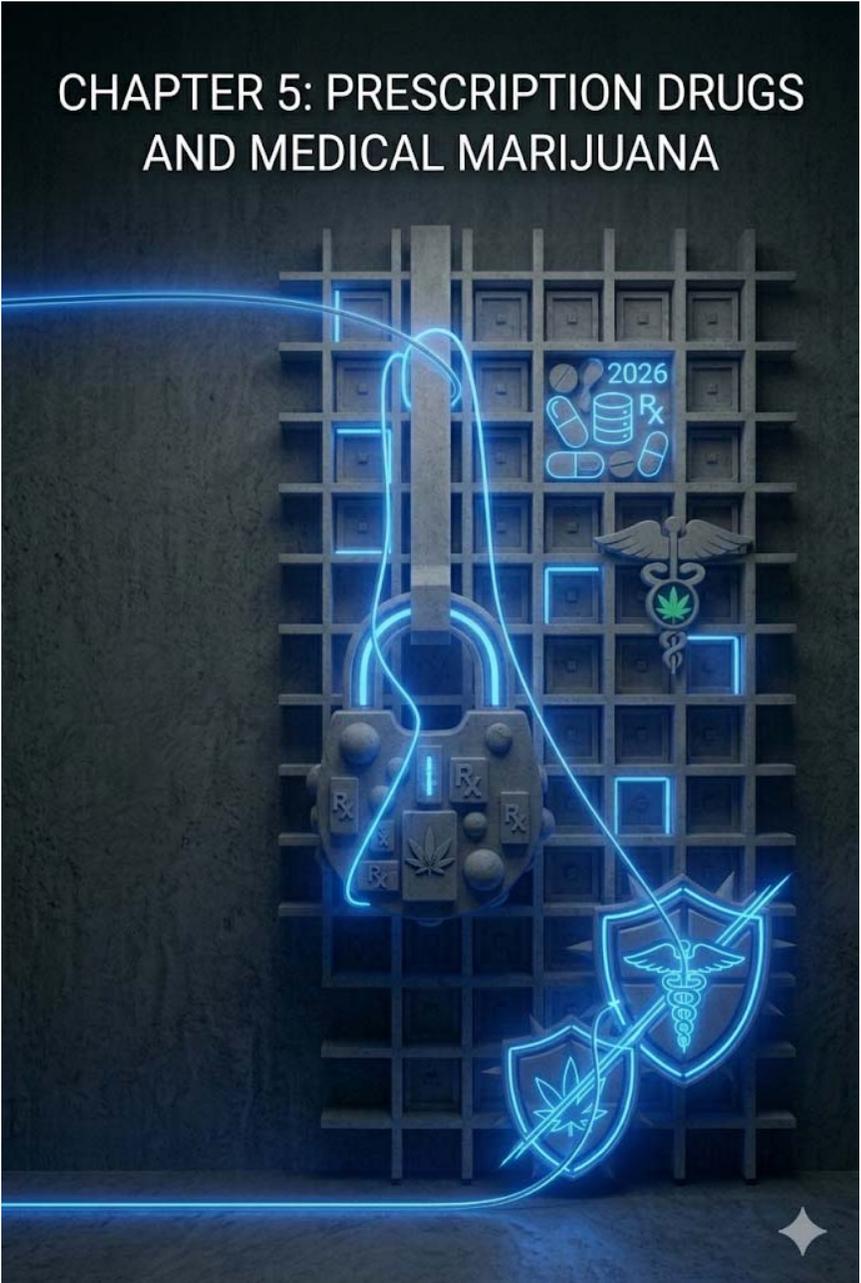
### **Q50: What is the "Good Samaritan" law regarding drug overdoses?**

Florida's Good Samaritan Act provides limited immunity from prosecution for possession if you seek medical assistance for yourself or someone else experiencing an overdose. I use this law to get charges dismissed for clients who did the right thing by calling 911 in a life-or-death situation. We ensure the prosecutor understands that the law was designed to encourage saving lives, not to punish those who act to prevent a tragedy.

- **Source:** [Florida Statute 893.21 - Justia](#)
- **Contact:** [Overdose Immunity Help](#)

## Chapter 5: Prescription Drugs and Medical Marijuana

### CHAPTER 5: PRESCRIPTION DRUGS AND MEDICAL MARIJUANA



## **The Medical Mirror: Legality vs. Enforcement**

We live in an era where the medicine cabinet has become a primary focus of Florida law enforcement. While Florida's medical marijuana program has expanded significantly in 2026, there remains a dangerous gap between what is medically legal and what an officer on the street perceives as a crime. I have defended countless individuals who were in strict compliance with their doctor's orders, yet found themselves in handcuffs because their medication wasn't in the "original container" or their digital registry ID hadn't updated. We bridge that gap by providing the court with the medical context the police ignored, ensuring your health needs aren't treated as a criminal enterprise.

## **The "Red Flag" Era for Professionals**

The scrutiny on prescription drugs extends far beyond the patient; it now creates a "Red Flag" environment for pharmacists, doctors, and nurses. In 2026, Florida's Prescription Drug Monitoring Program (E-FORCSE) is more integrated than ever, and a single administrative oversight can lead to a "Doctor Shopping" or "Prescription Fraud" felony charge. I represent both patients and medical professionals whose lives and licenses are on the line. We dive into the electronic health records to show that what the state calls fraud was actually a breakdown in communication or an urgent medical necessity, protecting your career from the collateral damage of a drug arrest.

## **Navigating the 2026 Marijuana Thresholds**

While the culture surrounding cannabis has shifted, the penalties for exceeding your "70-day supply" or possessing concentrates without a valid recommendation

remain severe. The 2026 regulations have tightened the definitions of "medical use," and law enforcement is increasingly targeting "gray market" Delta-8 and hemp products that fall just outside of state protections. I stay at the absolute forefront of these administrative rule changes to defend clients caught in this legal gray area. We argue that a good-faith effort to follow complex medical rules should never result in a permanent criminal record, and we use the state's own administrative codes to prove it.

### **Q41: Can I be arrested for having a valid medical marijuana card?**

Yes, a medical marijuana card is not a "get out of jail free" card; it only protects you if you are in strict compliance with Florida's highly specific storage and consumption laws. I have seen clients arrested because they kept their medication in a non-approved container or were consuming it in a public space where usage is strictly prohibited. We defend these cases by proving that your actions were a technical oversight rather than a criminal attempt to distribute.

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- **Source:** [Florida Statute 893.21 - Justia](#)
- **Contact:** [Overdose Immunity Help](#)

### **Q51: What happens at a Florida Arraignment for a drug charge?**

The arraignment is your formal first appearance where the judge reads the charges and you enter an initial plea of "Not Guilty." Under the 2026 updates to **Florida Rule of Criminal Procedure 3.160**, the court must hold this hearing within 40 days of your arrest or service of a Notice to Appear. I often file a "Written Plea of Not Guilty" on your behalf, which waives the need for you to physically attend this hearing and allows us to immediately begin the "discovery" process of reviewing the state's evidence.

- **Source:** [Fla. R. Crim. P. 3.160 \(2026\) - Justia](#)
- **Contact:** [Arraignment Defense Support](#)

## **Q52: Am I eligible for the Hillsborough County Adult Drug Treatment Court?**

As of January 2026, Hillsborough County has consolidated its drug court system into **Division "W,"** now known as the Adult Drug Treatment Court. This program is designed for non-violent offenders with a documented substance use disorder and offers a multi-phase, 14-to-18-month path to having your charges dismissed. I guide my clients through the initial risk-needs assessment and negotiation with the State Attorney to ensure you are accepted into this rehabilitative alternative to traditional prosecution.

- **Source:** [Hillsborough Administrative Order S-2026-002](#)
- **Deep Link:** [Hillsborough Division "W" Info](#)

## **Q53: How does "Pre-Trial Intervention" (PTI) work for first-time drug offenders?**

PTI is a diversion agreement overseen by the Department of Corrections that allows you to complete conditions like counseling and drug testing in exchange for a complete dismissal of your charges. In 2026, the program remains highly discretionary, requiring the approval of the State Attorney's Office before the judge can admit you. I negotiate directly with the prosecutor to demonstrate that you are a low-risk candidate for whom a permanent criminal record would be a disproportionate and counterproductive punishment.

- **Source:** [Florida Statute 948.08 - Justia](#)
- **Contact:** [PTI Eligibility Consultation](#)

### **Q54: What is a "Withhold of Adjudication" and why is it important?**

A "Withhold of Adjudication" means the judge is staying the formal conviction, allowing you to avoid the legal status of a "convicted felon." This is a critical distinction in Florida because it can prevent the mandatory loss of your civil rights, such as voting and firearm possession, and may even stop a driver's license suspension. I fight for a withhold in cases where a dismissal isn't an option, as it often leaves the door open for you to seal your record in the future.

- **Source:** [Florida Statute 948.01 - Justia](#)
- **Deep Link:** [Avoiding a Felony Conviction](#)

### **Q55: Will I have to go to trial, or can we negotiate a plea?**

The vast majority of drug cases are resolved through plea negotiations under **Florida Rule of Criminal Procedure 3.171**, but I prepare every case as if a jury trial is inevitable. By conducting a thorough investigation and filing motions to suppress evidence, we create the leverage needed to force the state to offer a more favorable deal. While I will advise you on the risks and benefits of a plea versus a trial, the final decision to accept or reject an offer is always entirely yours.

- **Source:** [Fla. R. Crim. P. 3.171 \(2026\) - Justia](#)
- **Contact:** [Plea Negotiation Support](#)

### **Q56: How long does a typical drug case take to resolve in Tampa?**

While every case is unique, a standard drug felony in Tampa typically takes between six and twelve months to move from arrest to final resolution. Cases involving complex laboratory testing or high-stakes trafficking

weights often take longer as we wait for forensic results and litigate constitutional motions. I work to move the process along efficiently while ensuring we never sacrifice the quality of your defense just to reach a faster conclusion.

- **Deep Link:** [The Legal Timeline in Tampa](#)

### **Q57: What is the "Scoresheet" and how does it determine my sentence?**

In Florida, felony sentencing is governed by a points-based system known as the Criminal Punishment Code Scoresheet. Points are assigned based on the primary offense, your prior criminal history, and any "enhancements" like possession near a school or park. If your score exceeds 44 points, the judge is generally required to sentence you to prison unless we can prove a "downward departure" is justified by the specific facts of your case.

- **Source:** [Florida Statute 921.0024 - Justia](#)
- **Deep Link:** [Understanding the Sentencing Grid](#)

### **Q58: Can I travel out of state while my drug case is pending?**

When you are released on bond, the standard conditions usually restrict your travel to the local judicial circuit unless you receive specific permission from the court. I frequently file motions to allow my clients to travel for work, family emergencies, or pre-planned vacations while their case is moving through the system. We work to show the judge that you are not a "flight risk" and that you have strong ties to the community that ensure you will return for your court dates.

- **Source:** [Florida Statute 903.047 - Justia](#)

- **Contact:** [Travel Permission Request](#)

### **Q59: What is "Probation" like for a drug offense in Florida?**

Probation for a drug offense typically involves "Drug Offender Probation," which includes intensive supervision, random drug testing at your own expense, and mandated substance abuse treatment. You will likely be required to maintain a job, report to a probation officer monthly, and avoid any contact with individuals known to be involved in criminal activity. I ensure you fully understand these conditions before you agree to them, as even a minor "technical violation" can lead to your probation being revoked and a jail sentence being imposed.

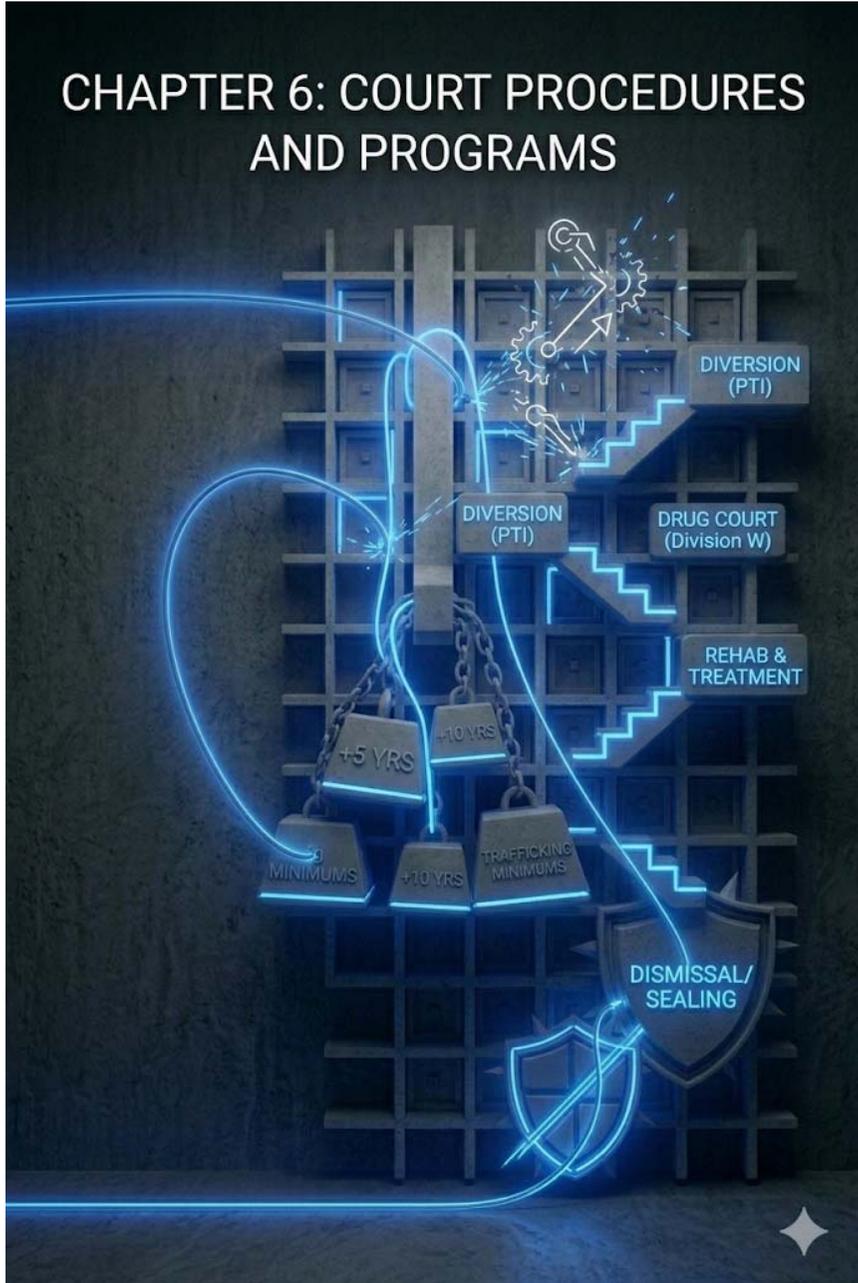
- **Source:** [Florida Statute 948.03 - Justia](#)
- **Deep Link:** [Defending Probation Violations](#)

### **Q60: Can I be required to wear a drug-monitoring patch or GPS?**

As a condition of pretrial release or probation, the court may order the use of a continuous drug-monitoring patch or a GPS ankle monitor. In 2026, Hillsborough County has expanded the use of these "Pretrial Electronic Monitoring Programs" as an alternative to staying in jail while your case is pending. I often advocate for these monitoring solutions in high-stakes cases to prove to the court that you are committed to sobriety and compliant with all legal requirements.

- **Source:** [Hillsborough Administrative Order S-2025-005](#)
- **Contact:** [Pretrial Release Support](#)

## Chapter 6: Court Procedures and Programs



## **The 40-Day Arraignment Countdown**

In the Florida court system, time is a weapon that can work for you or against you. As of 2026, Rule 3.160 has been reinforced to ensure that your arraignment—the formal reading of your charges—must occur within 40 days of your arrest or the service of a Notice to Appear. I utilize this window to execute a "pre-file" defense strategy, reaching out to the State Attorney's Office before they even finalize the formal charging document. We aim to present our evidence early, potentially convincing the prosecutor to "No Process" or drop the charges entirely before you ever have to stand in front of a judge and enter a plea.

## **Drug Court: A 14-Month Path to Freedom**

For many of my clients in Hillsborough County, the traditional path of trial and sentencing is replaced by the rigorous, treatment-based approach of Adult Drug Treatment Court (Division "W"). As of 2026, this program remains a post-adjudicatory model where you enter a plea of "Guilty" or "No Contest," but your sentence is stayed while you navigate a highly structured 14-month, multi-phase recovery program. I guide you through the initial risk-needs assessment to ensure you qualify under the "60-point rule" on the Florida sentencing scoresheet. If you complete the program successfully, we achieve the ultimate goal: the court dismisses your charges, and your record is preserved.

## **The Diversion Advantage: Pre-Trial Intervention (PTI)**

If you are a first-time offender facing a third-degree felony, we aggressively target the Pre-Trial Intervention (PTI) program as our primary objective. Unlike Drug Court, PTI is a voluntary agreement with the State Attorney that diverts your case away from the judge

entirely, meaning you never have to enter a guilty plea. In 2026, the criteria for "DPTI" (Drug Pre-Trial Intervention) prioritize rehabilitation over punishment, typically requiring 12 to 18 months of supervision, random drug testing, and community service. My role is to negotiate your entry into this program, even in cases where the state is initially hesitant, to ensure your mistake doesn't turn into a life-altering felony conviction.

### **Q61: Will a drug conviction result in a Mandatory 2-Year License Suspension?**

Under **Florida Statute 322.055**, any person convicted of a drug offense—including possession, sale, or trafficking—faces a mandatory driver's license suspension. In 2026, the standard suspension remains six months to one year for most, but can extend to two years depending on the specific charge. I work aggressively to secure a "Withhold of Adjudication" or entry into a diversion program, both of which are designed to prevent this "conviction" from triggering the automatic suspension and keeping you on the road.

- **Source:** [Florida Statute 322.055 - Justia](#)
- **Deep Link:** [Stopping the License Suspension](#)

### **Q62: How does a drug felony affect my right to own a firearm?**

A formal felony conviction in Florida results in the immediate loss of your right to own or possess a firearm under **Florida Statute 790.23**. However, because I focus on securing a "Withhold of Adjudication," many of my clients are able to maintain their Second Amendment rights because they are not technically "convicted felons" under Florida law. We treat your right to bear arms as a priority, ensuring that any plea or resolution is structured to avoid the lifetime ban associated with a formal adjudication of guilt.

- **Source:** [Florida Statute 790.23 - Justia](#)
- **Deep Link:** [Restoring Firearm Rights](#)

**Q63: Will a drug arrest show up on a background check even if charges were dropped?**

Yes, an arrest is a public record that remains visible to employers and landlords until it is formally sealed or expunged under **Florida Statute 943.0585**. In 2026, the Florida Department of Law Enforcement (FDLE) process for expungement remains a one-time lifetime opportunity for those whose charges were dismissed or "No Prossed." I handle the entire petition process, from the Certificate of Eligibility to the final court order, to ensure your past doesn't sabotage your future employment opportunities.

- **Source:** [Florida Statute 943.0585 - Justia](#)
- **Contact:** [Expunge My Record](#)

**Q64: Can I be evicted from public housing for a drug conviction?**

Federal "One-Strike" policies under **24 CFR § 966.4** allow public housing authorities to terminate a lease if any member of the household is involved in drug-related criminal activity. In 2026, these regulations continue to give housing authorities broad discretion to evict even if the arrest occurred off-site. I work to keep drug charges off your record specifically to prevent these devastating federal consequences, protecting your family's housing stability while we fight the underlying criminal allegations.

- **Source:** [24 CFR § 966.4 - Justia](#)
- **Deep Link:** [Housing and Drug Crimes](#)

### **Q65: How does a drug charge affect my eligibility for federal student loans (FAFSA)?**

While the U.S. Department of Education has rescinded many automatic penalties, a drug conviction that occurs *while* you are receiving federal student aid can still jeopardize your eligibility for grants and loans. Under **HEA Sec. 484(r)**, certain trafficking or possession convictions can trigger a period of ineligibility. I focus on negotiating for outcomes—like pre-trial diversion—that avoid a "conviction" entirely, ensuring that your academic goals and financial aid remain secure.

- **Source:** [20 U.S.C. 1091\(r\) - Justia](#)
- **Contact:** [Student Defense Lawyer](#)

### **Q66: Can a drug conviction lead to deportation for non-citizens?**

For non-citizens, a drug conviction is often classified as an "aggravated felony" or a "crime involving moral turpitude" under federal immigration law, which can trigger mandatory deportation. Even a small amount of marijuana can have severe immigration consequences if not handled correctly by a criminal defense expert. I work with immigration specialists to structure pleas that are "immigration-safe," aiming to avoid any admission or conviction that would lead to removal from the United States.

- **Source:** [8 U.S.C. § 1227 - Justia](#)
- **Deep Link:** [Immigration-Safe Defense](#)

### **Q67: Will I lose my professional license for a drug charge?**

If you hold a professional license (such as Nursing, Teaching, or Real Estate), **Florida Statute 455.227** requires you to report any criminal conviction or

"Withhold of Adjudication" to your governing board within 30 days. In 2026, boards like the DBPR have increased their scrutiny of drug-related offenses. I assist professionals in navigating these self-reporting requirements and represent you in administrative hearings to ensure that a single legal mistake doesn't result in the permanent loss of your career.

- **Source:** [Florida Statute 455.227\(1\)\(t\) - Justia](#)
- **Deep Link:** [Professional License Defense](#)

### **Q68: Can I seal or expunge a drug arrest record in Florida?**

If your drug case was dismissed or you received a "Withhold of Adjudication" and have no prior convictions, you may be eligible to seal or expunge your record. Under **Florida Statute 943.0585**, an expungement physically destroys the record, while a sealing removes it from public view. I guide my clients through the rigorous FDLE application process to help them achieve a clean slate, ensuring that a past arrest doesn't reappear during a background check for a high-level job.

- **Source:** [Florida Statute 943.0585 - Justia](#)
- **Contact:** [Seal My Record Today](#)

### **Q69: How does "Drug Offender" probation differ from regular probation?**

"Drug Offender Probation" under **Florida Statute 948.01** is a more intensive form of supervision that requires random substance abuse testing, mandated treatment programs, and strict curfews. Unlike regular probation, any positive drug test can be treated as a "material violation," potentially leading to the revocation of your probation and the imposition of the maximum jail sentence. I ensure my clients fully understand these

high-stakes requirements and fight to keep the conditions as manageable as possible.

- **Source:** [Florida Statute 948.01 - Justia](#)
- **Deep Link:** [Probation Violation Defense](#)

### **Q70: What are the "Enhancements" for having a prior drug conviction?**

If you have a prior drug conviction, Florida's **Habitual Felony Offender (HFO)** and **Prison Releasee Reoffender (PRR)** statutes can be used to double your maximum sentence or mandate a specific prison term. In 2026, prosecutors are increasingly using these enhancements to seek harsher penalties even for relatively minor possession charges. I meticulously audit your criminal history to challenge the validity of prior convictions and fight to prevent the state from "stacking" points on your scoresheet.

- **Source:** [Florida Statute 775.084 - Justia](#)
- **Deep Link:** [Fighting Sentence Enhancements](#)

## Chapter 7: Collateral Consequences



## **The Invisible Sentence**

When a drug case concludes in a Florida courtroom, many believe the ordeal is over—but for most, the "invisible sentence" is just beginning. Beyond the jail time and fines lies a web of civil penalties that can be more disruptive than the criminal sentence itself. In 2026, Florida's database integration means that a drug arrest is immediately visible to employers, landlords, and licensing boards across the country. I work with my clients to look past the courtroom and focus on these long-term threats, ensuring that our legal strategy accounts for your ability to keep your job, your housing, and your professional standing in the community.

## **The 322.055 Driver's License Trap**

One of the most devastating collateral consequences in Florida is the mandatory two-year driver's license revocation under Florida Statute 322.055. This law applies to any drug conviction, regardless of whether a vehicle was involved in the crime. In a state like Florida, where driving is essential for employment and family life, losing your license is a catastrophic blow. My primary goal in these cases is to secure a "Withhold of Adjudication" or entry into a diversion program, both of which legally prevent this suspension from being triggered. We fight to keep you on the road so you can continue to move forward with your life.

## **Protecting Professional Licenses and Civil Rights**

For nurses, teachers, real estate agents, and other professionals, a drug felony is a direct threat to their livelihood. In 2026, the Florida Department of Business and Professional Regulation (DBPR) and various medical

boards have implemented "zero-tolerance" reporting requirements for drug-related offenses. Furthermore, a felony conviction can result in the loss of your right to vote and your right to possess a firearm. I treat these cases with extreme care, focusing on "record-friendly" resolutions. We don't just aim for a "not guilty" verdict; we aim for a resolution that protects your Second Amendment rights and keeps your professional license intact.

### **Q71: Will a drug conviction result in a mandatory 2-year license suspension?**

Under **Florida Statute 322.055**, any person convicted of a drug offense—including possession, sale, or trafficking—faces a mandatory driver's license suspension. While the law allows for a two-year revocation, many first-time offenders may be eligible for a hardship reinstatement after six months if they complete a court-ordered drug treatment program. I work aggressively to secure a "Withhold of Adjudication," which is a strategic outcome designed to prevent this "conviction" from triggering the automatic suspension in the first place.

- **Source:** [Florida Statute 322.055 - Justia](#)
- **Deep Link:** [Stopping the License Suspension](#)

### **Q72: How does a drug felony affect my right to own a firearm?**

A formal felony conviction in Florida results in the immediate loss of your right to own or possess a firearm under **Florida Statute 790.23**. However, because I focus on securing a "Withhold of Adjudication," many of my clients are able to maintain their Second Amendment rights because they are not technically "convicted felons" under Florida law. We treat your right to bear arms as a priority, ensuring that any plea or resolution is structured

to avoid the lifetime ban associated with a formal adjudication of guilt.

- **Source:** [Florida Statute 790.23 - Justia](#)
- **Deep Link:** [Restoring Firearm Rights](#)

### **Q73: Will a drug arrest show up on a background check even if charges were dropped?**

Yes, an arrest is a public record that remains visible to employers and landlords until it is formally sealed or expunged under **Florida Statute 943.0585**. In 2026, the Florida Department of Law Enforcement (FDLE) process for expungement remains a one-time lifetime opportunity for those whose charges were dismissed or "No Prossed." I handle the entire petition process to ensure your past doesn't sabotage your future employment opportunities, allowing you to legally deny the arrest in most situations.

- **Source:** [Florida Statute 943.0585 - Justia](#)
- **Contact:** [Expunge My Record](#)

### **Q74: Can I be evicted from public housing for a drug conviction?**

Federal "One-Strike" policies allow public housing authorities to terminate a lease if any member of the household is involved in drug-related criminal activity. In 2026, these regulations continue to give housing authorities broad discretion to evict even if the arrest occurred off-site and did not involve the use of a motor vehicle. I work to keep drug charges off your record specifically to prevent these devastating federal consequences, protecting your family's housing stability while we fight the underlying criminal allegations.

- **Source:** [24 CFR § 966.4 - Justia](#)

- **Deep Link:** [Housing and Drug Crimes](#)

### **Q75: How does a drug charge affect my eligibility for federal student loans (FAFSA)?**

A drug conviction that occurs *while* you are receiving federal student aid can still jeopardize your eligibility for grants and loans. Under federal rules, certain trafficking or possession convictions can trigger a period of ineligibility ranging from one year to an indefinite period depending on the number of offenses. I focus on negotiating for outcomes—like pre-trial diversion—that avoid a "conviction" entirely, ensuring that your academic goals and financial aid remain secure.

- **Source:** [Federal Student Aid Penalties - Justia](#)
- **Contact:** [Student Defense Lawyer](#)

### **Q76: Can a drug conviction lead to deportation for non-citizens?**

For non-citizens, a drug conviction is often classified as an "aggravated felony" or a "crime involving moral turpitude" under federal immigration law, which can trigger mandatory deportation. Even a small amount of marijuana can have severe immigration consequences if not handled correctly by a criminal defense expert. I work with immigration specialists to structure pleas that are "immigration-safe," aiming to avoid any admission or conviction that would lead to removal from the United States.

- **Source:** [8 U.S.C. § 1227 - Justia](#)
- **Deep Link:** [Immigration-Safe Defense](#)

### **Q77: Will I lose my professional license for a drug charge?**

If you hold a professional license (such as Nursing, Teaching, or Law), **Florida Statute 455.227** requires you to report any criminal conviction or "Withhold of Adjudication" to your governing board. In 2026, boards like the DBPR have increased their scrutiny of drug-related offenses, often initiating independent investigations. I assist professionals in navigating these self-reporting requirements and represent you in administrative hearings to ensure that a single legal mistake doesn't result in the permanent loss of your career.

- **Source:** [Florida Statute 455.227 - Justia](#)
- **Deep Link:** [Professional License Defense](#)

### **Q78: Can I seal or expunge a drug arrest record in Florida?**

If your drug case was dismissed or you received a "Withhold of Adjudication" and have no prior convictions, you may be eligible to seal or expunge your record. Under **Florida Statute 943.0585**, an expungement physically destroys the record, while a sealing removes it from public view. I guide my clients through the rigorous FDLE application process to help them achieve a clean slate, ensuring that a past arrest doesn't reappear during a background check.

- **Source:** [Florida Statute 943.0585 - Justia](#)
- **Contact:** [Seal My Record Today](#)

### **Q79: How does "Drug Offender" probation differ from regular probation?**

"Drug Offender Probation" under **Florida Statute 948.01** is an intensive form of supervision that requires random

substance abuse testing and mandated treatment programs at your own expense. Unlike regular probation, any positive drug test can be treated as a "material violation," potentially leading to the revocation of your probation and the imposition of a jail sentence. I ensure my clients fully understand these high-stakes requirements and fight to keep the conditions as manageable as possible.

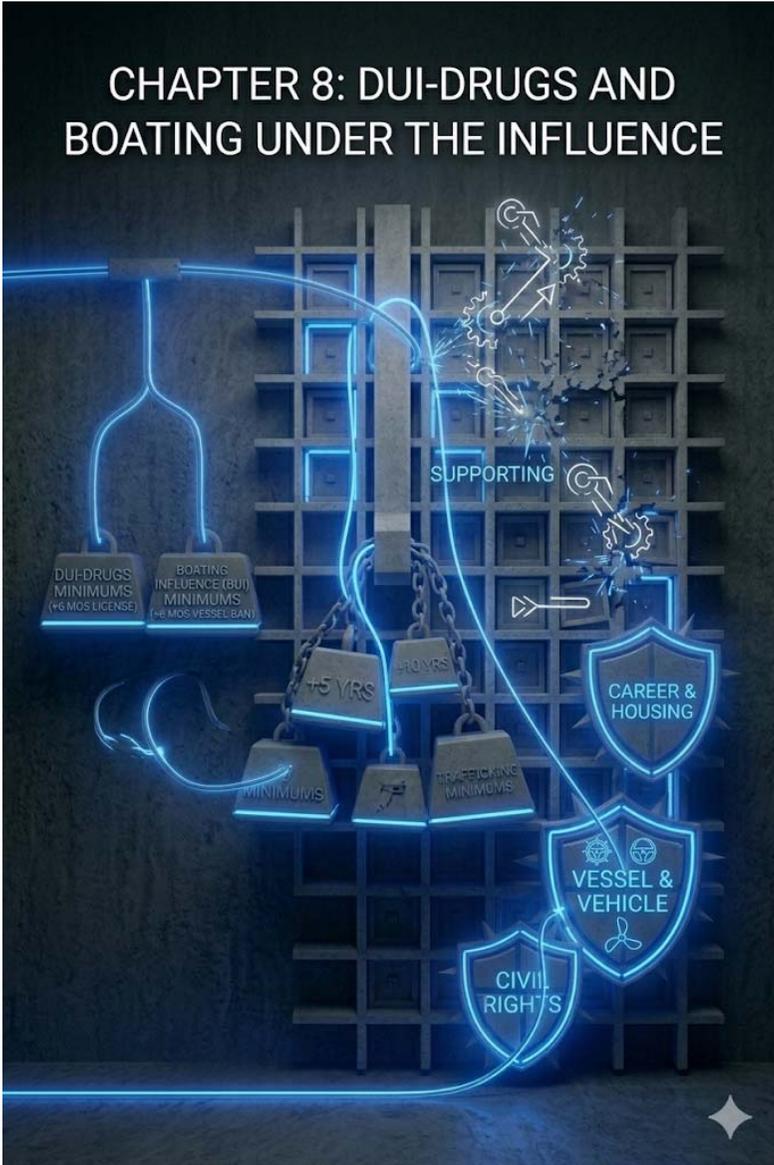
- **Source:** [Florida Statute 948.01 - Justia](#)
- **Deep Link:** [Probation Violation Defense](#)

### **Q80: What are the "Enhancements" for having a prior drug conviction?**

If you have a prior drug conviction, Florida's **Habitual Felony Offender (HFO)** and **Prison Releasee Reoffender (PRR)** statutes can be used to double your maximum sentence. In 2026, prosecutors are increasingly using these enhancements to seek harsher penalties even for relatively minor possession charges. I meticulously audit your criminal history to challenge the validity of prior convictions and fight to prevent the state from "stacking" points on your scoresheet.

- **Source:** [Florida Statute 775.084 - Justia](#)
- **Deep Link:** [Fighting Sentence Enhancements](#)

## Chapter 8: DUI-Drugs and Boating Under the Influence



## **The Myth of the "Legal Limit" for Drugs**

In the world of Florida DUI enforcement, there is a dangerous misconception that the absence of a "0.08" threshold for drugs means you are safe from prosecution. In reality, Florida's 2026 standards for DUI-Drugs focus entirely on whether your "normal faculties" were impaired, regardless of the amount of a substance in your system. Because many drugs—both legal and illegal—can remain in your bloodstream or urine for days or even weeks after the effects have worn off, a positive test result often has zero correlation with actual impairment at the time of driving. I specialize in exposing this scientific gap, using toxicological data to show the court that "presence" does not equal "impairment."

## **Trenton's Law and the 2026 Refusal Crisis**

As of October 1, 2025, the stakes for refusing a drug test in Florida have been fundamentally altered by the implementation of "**Trenton's Law**" (**HB 687**). For the first time in Florida history, refusing to provide a urine or blood sample during a first-time DUI investigation is now a **second-degree misdemeanor crime**, punishable by up to 60 days in jail, in addition to the automatic one-year license suspension. This means the old strategy of "just say no" now carries an immediate criminal record. I help my clients navigate this crisis by aggressively auditing the "Implied Consent" warnings given by officers; if they failed to inform you of these new criminal penalties, we can often move to suppress the refusal evidence entirely.

## **BUI: The High Seas of Enforcement**

Boating Under the Influence (BUI) in Florida is handled with the same clinical aggression as a DUI on the road, but with fewer constitutional protections. Under Florida Statute 327.35, the Florida Fish and Wildlife Conservation Commission (FWC) has the authority to

board your vessel for a "safety check" without any suspicion of a crime, often using these stops as a pretext for drug investigations. In 2026, with the expansion of **Operation Dry Water** and targeted task forces like **Operation Bird Dog**, the use of maritime drug recognition experts (DREs) has spiked. We defend boaters by challenging the "subjective" nature of these offshore evaluations and arguing that environmental factors like "sea legs" and dehydration were mistaken for drug impairment.

### **Q81: How do police test for drugs during a DUI stop?**

Unlike alcohol, there is no roadside "breathalyzer" for drugs, so Florida law enforcement must rely on urine or blood tests following a lawful arrest. In 2026, I frequently challenge these results by showing that urine tests only detect "metabolites" (byproducts), which can remain in your system for weeks after the effects of a drug have worn off. We argue that the presence of these substances does not prove you were "under the influence" at the exact moment you were operating the vehicle.

- **Source:** [Florida Statute 316.1932 - Justia](#)
- **Deep Link:** [DUI Drug Testing Challenges](#)

### **Q82: Is there a "Legal Limit" for THC in the blood like there is for alcohol?**

Florida does not have a "per se" legal limit for THC, meaning the state must prove that your normal faculties were actually impaired by marijuana. I use expert testimony to explain that THC is fat-soluble and can be detected in the blood of frequent users long after the high has subsided. We focus on your actual driving

performance and behavior on body camera footage to counter the state's reliance on a positive lab result.

- **Source:** [Florida Statute 316.193 - Justia](#)
- **Deep Link:** [Marijuana DUI Defense](#)

### **Q83: What is "Trenton's Law" and how does it affect my refusal to take a drug test?**

As of October 1, 2025, **Trenton's Law** made a first-time refusal to submit to a lawful urine or breath test a **second-degree misdemeanor crime**. This means that saying "no" to a test doesn't just result in a license suspension; it now results in a separate criminal charge that carries up to 60 days in jail. I meticulously review the "Implied Consent" warnings read by the officer to ensure they properly informed you of these new criminal penalties before you made your decision.

- **Source:** [Florida Statute 316.1939 - Justia](#)
- **Contact:** [Refusal Case Consultation](#)

### **Q84: Can I refuse a blood test if suspected of DUI-Drugs?**

In Florida, a blood draw can generally only be compelled without a warrant in cases involving death or serious bodily injury. For a standard DUI-Drug investigation, you have the right to refuse a blood draw, though this may trigger the criminal refusal penalties under Trenton's Law if a urine test was "impractical." I fight to suppress blood evidence gathered without a warrant or voluntary consent by citing the U.S. Supreme Court's protections against invasive bodily searches.

- **Source:** [Birchfield v. North Dakota - Justia](#)
- **Deep Link:** [Blood Draw Defenses](#)

### **Q85: What is a "Drug Recognition Expert" (DRE)?**

A DRE is a police officer who has received specialized training to identify signs of drug impairment through a subjective 12-step physical evaluation. I challenge DRE testimony by exposing how their "clinical" observations—like pupil size or pulse rate—can be caused by nervousness, fatigue, or common medical conditions. We work to show the judge that the DRE's opinion is "junk science" that lacks the reliability required for a criminal conviction.

- **Source:** [NHTSA DRE Manual - Justia](#)
- **Contact:** [DRE Expert Challenge](#)

### **Q86: Can I be charged with BUI for using marijuana on a boat?**

Yes, Boating Under the Influence (BUI) laws apply to both alcohol and drugs, and the penalties in Florida are as strict as those for a DUI on land. I defend boaters by challenging the "reasonable suspicion" the FWC or Coast Guard used to board your vessel, especially under new 2026 maritime stop restrictions. If the initial boarding was unlawful, we can move to throw out any evidence of drug use or impairment found on the water.

- **Source:** [Florida Statute 327.35 - Justia](#)
- **Deep Link:** [Tampa BUI Defense](#)

### **Q87: Does a BUI conviction affect my car driving privileges?**

In Florida, a BUI conviction does not automatically suspend your automobile driver's license, as the two systems are generally separate. However, a BUI conviction *does* count as a "prior" offense if you are ever charged with a DUI in the future, which can lead to

enhanced prison time and permanent license revocation. I focus on winning BUI cases to prevent this "hidden" threat from lurking on your record for the rest of your life.

- **Source:** [Florida Statute 327.35\(2\) - Justia](#)
- **Deep Link:** [BUI and License Impact](#)

### **Q88: Can "Prescription DUI" charges be dismissed?**

Many people are shocked to learn they can be arrested for DUI while taking their medication exactly as prescribed by their doctor. I defend these cases by showing that the medication did not impair your "normal faculties" and that the officer's observations were actually side effects or unrelated physical issues. We use medical records and pharmacy logs to prove that your driving was safe and that the arrest was based on a misunderstanding of your treatment.

- **Source:** [Florida Statute 316.193 - Justia](#)
- **Contact:** [Prescription DUI Help](#)

### **Q89: How do I get a "Hardship License" after a drug-related DUI arrest?**

If your license is suspended following a DUI arrest, you have a strict **10-day window** to apply for a "Business Purposes Only" hardship license. In 2026, this requires proof of enrollment in DUI school and a hearing with the Bureau of Administrative Reviews. I guide my clients through this process immediately after their arrest to ensure they can continue driving to work, school, and medical appointments while their case is pending.

- **Source:** [Florida Statute 322.271 - Justia](#)
- **Deep Link:** [Hardship License Guide](#)

### **Q90: What are the penalties for DUI-Drug Manslaughter in 2026?**

Under Trenton's Law, the penalties for DUI or BUI Manslaughter have been increased to a **first-degree felony** (up to 30 years in prison) if you have a prior conviction for a similar fatal offense. Even for a first-time offender, DUI Manslaughter carries a mandatory minimum of **4 years in prison** and a permanent driver's license revocation. I treat these high-stakes cases with extreme urgency, utilizing accident reconstruction experts to fight the state's claim that your impairment caused the tragedy.

- **Source:** [Florida Statute 316.193\(3\) - Justia](#)
- **Deep Link:** [DUI Manslaughter Defense](#)

## Chapter 9: Hiring an Expert Defense



## **The Standard of Expertise**

When you are facing a drug charge in Florida, you aren't just fighting a legal allegation; you are fighting for your future. The quality of your representation is often the single most significant factor in determines whether you walk out of the courtroom with your freedom or into a prison cell. I have seen far too many cases where individuals settled for a "generalist" attorney who didn't understand the nuances of Florida's ever-changing drug statutes. In my practice, we believe that an expert defense is not a luxury—it is a necessity. This chapter explains why seeking a specialist, specifically a Board Certified Criminal Trial Lawyer, is the most critical decision you will make in the wake of an arrest.

## **Inside the Courtroom: The Prosecutor's Perspective**

To beat the state, you have to understand how the state thinks. Having spent years on the "other side" as a prosecutor, I know exactly where the pressure points are in a narcotics case. I know which officers take shortcuts on their reports and which labs have backlogs that can be exploited for a speedier resolution. This "insider" knowledge allows us to anticipate the prosecution's next move before they even make it, giving us a strategic advantage in plea negotiations and at trial. We don't just react to the state's case; we force the state to react to ours, dismantling their narrative from a position of deep, practical experience.

## **The Final Step Toward Resolution**

An arrest can make you feel like your life is no longer your own, but hiring the right defense is the moment you take that power back. From our first consultation, our

goal is to move you from a state of crisis to a state of control. We build a comprehensive roadmap that covers everything from your initial bond hearing to the final expungement of your record. This final chapter outlines the practical steps of working with our firm—from understanding flat-fee structures to the importance of open communication. We are here to ensure that your side of the story is told with the authority and precision it deserves, providing the peace of mind that comes with having a Board Certified expert in your corner.

### **Q91: Why should I hire a Board Certified Criminal Trial Lawyer?**

Board Certification is the highest level of evaluation by the Florida Bar and identifies an attorney as an "expert" in their field. Only a small percentage of lawyers achieve this status, which requires rigorous testing, peer review, and extensive trial experience. When you hire me, you are getting a specialist who has been recognized for a high level of competence and ethics, ensuring your case is handled by an expert rather than a generalist.

- **Source:** [Florida Bar Board Certification - Official](#)
- **Deep Link:** [The Value of a Board Certified Expert](#)

### **Q92: What is the cost of a high-quality drug defense in Tampa?**

Legal fees vary depending on the complexity of the case, from simple misdemeanor possession to high-stakes trafficking trials involving mandatory minimums. I provide transparent, flat-fee pricing so you know exactly what your defense will cost without any hidden surprises. We view our fees as an investment in your future freedom

and the protection of your clean record, and we discuss all costs upfront.

- **Contact:** [Request a Fee Quote](#)

### **Q93: Can I switch lawyers if I am unhappy with my current representation?**

Yes, you have the absolute right to choose your counsel at any point in the proceedings, provided it does not "unreasonably delay" the court's schedule. Many clients come to me after feeling their previous lawyer was not communicative or lacked a clear strategy. I handle the transition smoothly, requesting the case files and stepping into the defense to ensure no momentum is lost in your case.

- **Source:** [Florida Rule of Gen. Practice 2.505 - Justia](#)
- **Deep Link:** [Switching to Casey Ebsary](#)

### **Q94: How does Casey Ebsary's experience as a former prosecutor help my case?**

Having worked on the "other side," I understand exactly how the state builds its cases and where they are most likely to take shortcuts or make mistakes. I can anticipate the prosecutor's next move and spot weaknesses in their evidence—such as a flawed warrant or an unreliable witness—before they even realize they exist. This "insider" knowledge is a powerful tool when we are negotiating for a dismissal or a reduced charge.

- **Deep Link:** [My Prosecutor Experience](#)

### **Q95: What information should I bring to my first consultation?**

You should bring your arrest affidavit, any paperwork from the jail, your bond receipt, and a list of any potential witnesses who saw the incident. If you have a valid prescription for the medication involved, bringing the bottle or pharmacy records is essential for an immediate defense. This information allows me to instantly begin assessing the strengths and weaknesses of your case and plan our first move.

- **Contact:** [Schedule Your First Consultation](#)

### **Q96: Do you offer payment plans for drug defense cases?**

I understand that an arrest is a significant financial shock, so I offer flexible payment plans to ensure that everyone has access to a top-tier defense. We work with you to find a schedule that fits your budget while still providing the aggressive representation you need to protect your future. Your ability to defend your rights should not be limited by your immediate cash flow.

- **Contact:** [Discuss Payment Options](#)

### **Q97: What is the difference between a "Public Defender" and a "Private Attorney"?**

While public defenders are often dedicated, they are also severely overloaded with hundreds of cases at a time, making personal attention difficult. As a private attorney, I limit my caseload so that I can provide personalized communication and move faster on things like motions to suppress or expungements. You are paying for a

focused, strategic defense that is dedicated solely to your specific goals and your timeline.

- **Deep Link:** [Private vs. Public Defense](#)

**Q98: How do I contact the Law Office of W.F. "Casey" Ebsary Jr. immediately?**

You can reach our Tampa office 24/7 by calling **813-222-2220** or by visiting our website at [drug2go.com](http://drug2go.com). We know that drug arrests don't just happen during business hours, so we are ready to respond whenever you need us. Immediate action is the best way to protect your rights from the very start of a law enforcement encounter.

- **Contact:** [Call Us Now](#)

**Q99: Can you handle federal drug trafficking cases as well as state cases?**

Yes, I am admitted to practice in federal court and have successfully defended clients against complex DEA and FBI investigations. Federal cases follow different rules and carry much harsher "Sentencing Guidelines," so having an attorney who understands both systems is critical to your survival. We fight just as hard in the federal building as we do in the county courthouse to secure the best possible outcome.

- **Source:** [U.S. Federal Sentencing Guidelines - Justia](#)
- **Deep Link:** [Federal Drug Defense](#)

## **Q100: What is the first step we take to get your life back on track?**

The first step is a comprehensive case review where we identify every possible constitutional violation and build a roadmap for your defense. We focus on stabilizing your situation, securing your release, and ensuring you have a clear plan to fight the charges. From that moment on, you are no longer facing the government alone—we are in this fight together to protect your future.

- **Contact:** [Start Your Defense Today](#)
- 

### **About the Author: W.F. "Casey" Ebsary Jr.**

W.F. "Casey" Ebsary Jr. is a Board Certified Criminal Trial Lawyer based in Tampa, Florida. With over 30 years of experience, including time spent as a prosecutor, he has dedicated his career to defending the rights of individuals facing drug and DUI charges. Casey is recognized for his aggressive defense strategies and his deep commitment to ensuring the government plays by the rules. He is the founder of [drug2go.com](#) and [dui2go.com](#), resources built to help Floridians navigate the darkest moments of their lives.

# DRUG DEFENSE DECODED: YOUR FLORIDA GUIDE

Facing drug charges in Florida isn't just about the law—it's about your life, your career, and your freedom. The system is designed to move fast, and without the right strategy, a single mistake can follow you for decades.

In **Drug Defense Decoded**, Board Certified Criminal Trial Lawyer W.F. "Casey" Ebsary Jr. pulls back the curtain on the Florida legal system. With over 30 years of experience as both a prosecutor and a defense attorney, Casey provides 100 critical answers to the questions that matter most when your future is on the line.

**Inside, You Will Discover:**

STRATEGIC  
MEMBERSHIP

5 YRS

BOATING  
INFLUENCE BUI  
MINIMUMS  
+B MUS VESSEL BAN

**Constitutional Shields:** How to use the 4th and 5th Amendments to suppress illegal evidence.

**Statutory Secrets:** Navigating the complex world of trafficking weights and mandatory minimums.

+10 YRS  
MINIMUMS

+10 YRS  
MINIMUMS

**Strategic Solutions:** From Diversion Programs to Adjudication—how to keep your record

SUBSTANCE	WEIGHT THRESHOLD	MANDATORY MINIMUM SENTENCE
Cocaine	20g	3 yrs
Cocaine (M (Florida Statute))	500g	7 yrs
Cocaine	30g	3 yrs
Cocaine	200g	7 yrs
Cocaine	9g	3 yrs
Heroin	4g	3 yrs
Fentanyl	4g	3 yrs
MDMA	10g	3 yrs

CASE ACCEPTANCE

discovery REVIEW

MOTION STRATEGY

FLORIDA DRUG COURT DIVERSION CHOICES  
ARTS PFD/CHAM ET AL/10/18/18

TRAFFICKING  
MINIMUMS

For Immediate Legal Assistance,  
Call: 813-222-2220

**W.F. CASEY EBSARY JR.** JAL PREP  
BOARD CERTIFIED CRIMINAL TRIAL LAWYER

DISMISSAL/  
reduced CHARGES

RESULTS

FLORIDA CRIMINAL PUNISHMENT CODE (CPC) SCORESHEET PRIMARY OFFENSE POINTS (Level 7-10)	
Trafficking	50 pts
Sale	42 pts
Trafficking	42 pts
Trafficking	36 pts
MDMA	20 pts

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Filename: DrugCrimeManual2026.doc  
Directory: F:\Google Drive 2023\Book  
Template: C:\Users\Casey\AppData\Roaming\Microsoft\Templates\Normal.dot  
Title: Drug Defense Decoded  
Subject:  
Author: W F Casey Ebsary Jr  
Keywords: Drug Crimes  
Comments:  
Creation Date: 3/10/2026 12:15 AM  
Change Number: 2  
Last Saved On: 3/10/2026 12:15 AM  
Last Saved By: Casey  
Total Editing Time: 2 Minutes  
Last Printed On: 3/10/2026 12:16 AM  
As of Last Complete Printing  
Number of Pages: 84  
Number of Words: 20,566 (approx.)  
Number of Characters: 104,890 (approx.)