

**IN THE TENTH JUDICIAL CIRCUIT
FOR HARDEE, HIGHLANDS AND
POLK COUNTY, FLORIDA**

County Case No.: TT02-002688-LD

Appeal No.: FF-50

GEORGE BODE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

OPINION OF THE COURT

This is an appeal from the county court of Polk County, Judge Mark Carpanini presiding. Counsel for Appellant filed a motion for sanctions on January 25, 2005, arguing that this appeal should proceed without Appellee's answer brief. The Court declines to impose sanctions as the answer brief was ultimately filed on February 3, 2005. This court has jurisdiction. Fla. R. App. P. 9.030. The ruling of the county court is affirmed.

Appellant George Bode argues that the trial court erred in denying his motion to suppress. A trial judge's ruling on a motion to suppress is presumptively correct and will be affirmed if based upon competent substantial evidence. Escobar v. State, 699 So.2d 984, 987 (Fla. 1999); Ramirez v. State, 739 So.2d 568 (Fla. 1999). To succeed on appeal, Appellant must show that the ruling of the trial court is not supported by competent evidence. Id. Further, a ruling of the trial court on a motion to suppress comes to the reviewing court clothed with presumption of correctness, and reviewing court will interpret evidence and reasonable inferences and deductions derived wherefrom in manner most favorable to sustaining trial court's ruling. McNamara v. State, 357 So.2d 410 (Fla. 1978).

Appellant first argues that the trial court erred in allowing the police officer to testify as to why a fellow officer conducted a traffic stop on Appellant. Specifically, Appellant contends that the rules of evidence and the right to confrontation apply to pretrial hearings. However, this argument is not supported by case law as it clearly held that evidentiary rules in a suppression hearing are different from those in a trial. Lara v. State, 464 So.2d 1173 (Fla. 1985). Further, hearsay evidence is admissible in a suppression hearing. Harris v. State, 826 So.2d 30 (Fla. 2d DCA 2002). It is also well settled in Florida that the fellow officer doctrine operates to impute the knowledge of one officer in the chain of investigation to another. Huebner v. State, 731

So.2d 40 (Fla. 4th DCA 1999). Therefore, the officer's testimony was necessary to show that the stop was lawful. The Court also finds that U.S. Supreme Court decision in Crawford v. Washington, 124 U.S. 1354 (2004) is inapplicable to the case at hand because the testimony was not given to prove that Appellant was driving erratically. Rather, it was offered to show that the traffic stop was valid.

Next, Appellant argues that the State failed to present sufficient evidence that the traffic stop was lawful. Based on the testimony from the officer that conducted the traffic stop, the Court finds that there was sufficient evidence for the officer to pull Appellant over for an investigative stop. State v. DeShong, 603 So.2d 1349 (Fla. 2d DCA 1992); Bailey v. State, 319 So.2d 22 (Fla. 1975); State v. Davidson, 744 So.2d 1180 (Fla. 2d DCA 1999).

Accordingly, it is ORDERED and ADJUDGED that the ruling of the county court is AFFIRMED.

DONE and ORDERED March 1, 2005.

RONALD HERRING, Chief Judge