

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

**County Case No.: TT03-000105-LA  
Appeal No.: GG-14**

**MAYO GREEN,**

**Appellant,**

**v.**

**STATE OF FLORIDA,**

**Appellee.**

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**OPINION OF THE COURT**

This is an appeal of a DUI conviction in the county court of Polk County, Judge Keith B. Spoto presiding. This court has jurisdiction. Fla. R. App. P. 9.030(a). The ruling of the county court is affirmed.

Appellant was charged with one count of driving under the influence, in violation of §316.193, Florida Statutes (2003). He was found guilty by a jury and sentenced to 364 days in county jail. A timely notice of appeal was filed.

Appellant argues on appeal that the trial court erred in enhancing his sentence to include additional imprisonment and a greater fine where the state did not offer proof of the alleged prior DUI convictions. At the sentencing hearing, the State notified the court that the Appellant had four prior DUI convictions but did not introduce any evidence of these convictions. Appellant attempts to analogize this situation to one involving felony petit theft, where a certified copy of a conviction is necessary to establish a prior conviction for habitual offender purposes where an objection is made during the sentencing hearing. Wallace v. State, 835 So.2d 1281 (Fla. 2d DCA 2003).

The Court agrees with Appellee that the State was not required to enter certified convictions of the Appellant's prior DUI convictions. Haddix v. State, 668 So.2d 1064 (Fla. 4<sup>th</sup> DCA 1996). Further, habitual offender proceedings do not require the full panoply of rights afforded a criminal during his trial as to guilt, such as proof beyond a reasonable doubt. Eutsey v. State, 383 So.2d 219 (Fla. 1980).

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

DONE and ORDERED August 2, 2005.

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**RONALD HERRING**, Chief Judge