IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,

Petitioner,

v.

KYLE R. QUEIOR,

Respondent.

Case No. SC15-367

ON DISCRETIONARY REVIEW FROM THE
THE DISTRICT COURT OF APPEAL,
SECOND DISTRICT OF FLORIDA

INITIAL BRIEF OF PETITIONER

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PRELIMINARY STATEMENT

This brief will refer to Respondent as such, Defendant, or by proper name, e.g., "Queior." Petitioner, the State of Florida, was the prosecution below; the brief will refer to Petitioner as such, the prosecution, or the State.

STATEMENT OF THE CASE AND FACTS

In 2005, Respondent pled guilty to four counts of second-degree arson. (R. 15-16, 27-31). The trial court adjudicated Respondent guilty and sentenced him to concurrent terms of two years' community control followed by seven years of probation. (R. 35-50). After Respondent violated his probation in 2008, the court imposed split sentences of 99.6 months' imprisonment, suspended after 42 months in favor of probation. (R. 136, 156, 160, 165-180).

In January 2013, the State filed a violation affidavit alleging that Respondent had violated conditions 5 and 7 of his probation by committing a new offense of possessing hydromorphone and possessing illegal drugs by possessing hydromorphone. (R. 185).

On June 11, 2013, the court conducted an evidentiary hearing on the alleged violations. (R. 269-271). During the hearing, the State presented testimony of Gregory Miller, a probation officer with the Florida Department of Corrections. (R. 273). Miller testified that he had been employed as a probation

officer with the Florida Department of Corrections for a little over 24 years. (R. 273). Miller testified to his experience in administering approximately 40 to 50 random drug tests per month on probationers. (R. 273-275). He testified to the particular brand used, which is called Drug Check, and the manner in which the test is administered and interpreted. (R. 274-275). He testified that he is certified by the State in drug testing. (R. 275). The State admitted into evidence, without objection, certificates reflecting Miller's training in this area. (R. 276-277, 217-220). Defense counsel never questioned in the trial court Miller's testimony that he was certified by the State in drug testing.

Miller went on to testify that if the probationer admits to using drugs, the sample is not sent off to a lab for confirmation. (R. 277). If the probationer does not admit, then the sample is sent to a lab for further confirmation. (R. 277).

Miller testified that he reviewed the probation order with Respondent in 2011, including the condition that Respondent was not allowed to use illegal drugs and was required to inform the probation office about the use of any prescription drugs. (R. 279-280). Miller testified that in January of 2013, he administered a random drug test on Respondent. (R. 280). When the State sought to elicit testimony about the result of the

test, defense counsel objected, arguing that the test was a "scientific test" and required "a traditional predicate of scientific evidence." (R. 281). The State responded that Miller had testified to his familiarity with the drug test and his experience using it. (R. 282). The court overruled the objection. (R. 282). Miller testified that the test he administered on Respondent reflected a "positive for opiates and oxy." (R. 280-282).

Miller further testified that the drug testing sample he took from Respondent was sent to a private lab, Alear Toxicology, for testing. (R. 286). When the State sought to admit the lab test result, defense counsel again objected, arguing that the lab test result was hearsay and also that it represented scientific evidence. (R. 287). The court overruled the objection. (R. 287). Miller testified that the testing performed by the outside laboratory showed that Respondent had tested positive for hydromorphone, an opiate, and that this result was consistent with what Miller's in-office drug test had showed. (R. 286-288).

On cross-examination, defense counsel asked whether the lab test, which tested negative for oxycodone and positive for hydromorphone, was inconsistent with Miller's in-office field test, which tested positive for opiates and oxycodone. (R. 288). Miller responded, "Not necessarily." (R. 288). Miller

acknowledged that he did not know what the chemical on the test strip was called. (R. 289). Miller also acknowledged that in the 24 years he had worked as a probation officer he had had a presumptive test indicate a positive while the lab test indicated a negative result. (R. 291). Defense counsel did not ask Miller with what frequency this occurred. Defense counsel asked Miller whether he knew the reliability of the presumptive test or the lab test, to which Miller responded, "The lab test is qualitative, the presumptive test is not." (R. 291-292). Regarding the field test, Miller testified that he did not "know the percentage of how many cross reactions occur, but it can occur." (R. 292).

On redirect, Miller testified that Respondent had violated his probation before Miller began supervising him, and that Respondent received an anonymous call in 2013 indicating that Respondent was buying illegal drugs off the street and using them. (R. 296-297).

The trial court found that Respondent had willfully and substantially violated the terms and conditions his probation. In support, the court relied on Terry v. State, 777 So. 2d 1093 (Fla. 5th DCA 2001), noting that Miller had testified to administering drug tests 50 times a month. (R. 306). The court sentenced Respondent to the suspended portion of his sentence. (R. 321).

SUMMARY OF ARGUMENT

Where the State has sufficiently qualified a probation officer as competent to testify regarding the administration and interpretation of field tests, testimony from that officer regarding a positive field test result represents competent, nonhearsay evidence of a violation of probation. A trial court may properly consider such nonhearsay evidence alongside other evidence, including hearsay, in determining whether the State has proven a violation beyond the greater weight of the evidence.

In the case under review, the Second District concluded that the probation officer's testimony was insufficient to establish the reliability of the field test. Noting that the probation officer lacked scientific knowledge about the test's functioning, the Second District held that the officer's testimony did not represent competent, nonhearsay evidence of a violation. The Second District's holding ignores the fact that the State may properly qualify a probation officer to testify, based on his or her experience, regarding the use and reliability of field tests to determine the presence of narcotics.

The Second District's conclusion that a probation officer's testimony regarding a field test result is not competent, nonhearsay evidence of a violation is in certified conflict with

the decision of the Fifth District in Terry. Petitioner respectfully asks this Court to quash the Second District's decision in Queior and approve the decision of the Fifth District in Terry.

ARGUMENT

ISSUE I

WHETHER THE STATE MAY QUALIFY A PROBATION OFFICER AS COMPETENT TO TESTIFY BASED ON HIS OR HER TRAINING AND EXPERIENCE TO THE USE AND INTERPRETATION OF PRESUMPTIVE FIELD TEST RESULTS?

In the case under review, Queior v. State, 157 So. 3d 370 (Fla. 2d DCA 2015), the Second District held that testimony from a probation officer regarding a field test result does not represent competent, nonhearsay testimony of a violation. In doing so, it certified conflict with Terry v. State, 777 So. 2d 1093 (Fla. 5th DCA 2001).

The Second District's decision is incorrect for two reasons. First, a probation officer's testimony based on his or her personal knowledge and experience of administering a field test does not meet the definition of hearsay. Second, the State may qualify a probation officer experienced and trained in field testing as competent to testify about field test results, including the reliability of those results in the probation officer's experience. In each regard, Terry is consistent with other Florida decisions holding that the State may qualify a

probation officer to testify to the results of a field test based on the officer's training and experience. The State therefore respectfully asks this Court to quash the Second District's decision in Queior and approve the Fifth District's decision in Terry.

I. PROOF AND REVIEW OF VIOLATIONS OF PROBATION

In a violation of probation proceeding, the State's burden of proving a violation is not proof beyond reasonable doubt. Rita v. State, 470 So. 2d 80 (Fla. 1st DCA), review denied, 480 So. 2d 1296 (Fla. 1985); Miller v. State, 420 So. 2d 631 (Fla. 2d DCA 1982). Rather, the State bears the burden of proving a willful and substantial violation by the greater weight of the evidence. See Garcia v. State, 701 So. 2d 607, 608 (Fla. 2d DCA 1997); Mathis v. State, 683 So. 2d 634, 635 (Fla. 4th DCA 1996). The greater weight of the evidence means evidence which "more likely than not" tends to prove a certain proposition. Gross v. Lyons, 763 So. 2d 276, 280 n.1 (Fla. 2000). Hearsay is admissible in probation revocation hearings, but the hearsay must be supported by non-hearsay evidence for a court to revoke probation. Russell v. State, 982 So. 2d 642, 646 (Fla. 2008).

In evaluating a trial court's decision to revoke probation, an appellate court employs a two-step review process. Savage v. State, 120 So. 3d 619, 621-23 (Fla. 2d DCA 2013). "On review, an appellate court must first determine whether the trial court's

finding of a willful and substantial violation is supported by competent substantial evidence." Filmore v. State, 133 So. 3d 1188 (Fla. 2d DCA 2014) (citing Savage, 120 So. 3d at 621). If a trial court's finding of a willful and substantial violation is based on competent substantial evidence, then the trial court's decision to revoke probation is reviewed for an abuse of discretion. Id. (citing Savage, 120 So. 3d at 623).

II. TESTIMONY FROM PERSONAL KNOWLEDGE REGARDING FIELD TEST RESULTS DOES NOT CONSTITUTE HEARSAY.

In the decision under review, the Second District declined to regard a probation officer's testimony regarding a field test result as non-hearsay evidence of a violation of probation. In doing so, the Second District failed to recognize that the probation officer's testimony is based on personal knowledge and experience and therefore does not meet the definition of hearsay.

Section 90.801, Florida Statutes (2012), defines "hearsay" by providing:

> (c) "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.
>
> (2) A statement is not hearsay if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement and the statement is:
>
> (a) Inconsistent with the declarant's testimony and was given under oath subject

> to the penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
>
> (b) Consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of improper influence, motive, or recent fabrication; or
>
> (c) One of identification of a person made after perceiving the person.

§ 90.801(1)(C)-(2).

As Florida's courts have recognized, testimony that is based on personal knowledge is not hearsay. See, e.g., Mid-Florida Freezer Warehouses, Ltd. v. Unemployment Appeals Com'n, 41 So. 3d 1014, 1020 (Fla. 5th DCA 2010) ("Much of what Koeditz testified to was within his personal knowledge and was not hearsay."); John Deere Co. v. Thomas, 522 So. 2d 926, 929 (Fla. 2d DCA 1988) ("Bol, in his general managerial position was qualified to provide that testimony, if, as the trial court properly noted, it was based upon personal knowledge."); S.C. v. State, 471 So. 2d 1326, 1328 (Fla. 1st DCA 1985) ("[T]he father's testimony was not a repetition of statements made to him by Connecticut authorities but was of his personal knowledge of the reasons for the children's commitment. It was therefore not hearsay and it was not error to admit it.").

Here, the testimony elicited from Probation Officer Miller regarding the in-office testing did not represent hearsay, nor did Respondent object to it as such. Miller testified to

personally performing a random drug test on Respondent (R. 280) and further testified to personally observing "a positive for opiates and oxy." (R. 282). This testimony, which was based on Miller's personal knowledge and observations, does not meet the definition of hearsay, but rather constitutes non-hearsay evidence of a violation of probation.

As the Third District recognized in Isaac v. State, 971 So. 2d 908, 909 (Fla. 3d DCA 2007), where the probation officer testifies based on "personally conduct[ing] a field test (positive for cocaine and marijuana)," the court's finding of a violation was not based exclusively on hearsay. The First District reached a similar result in Monroe v. State, 679 So. 2d 50, 52 n.2 (Fla. 1st DCA 1996), stating that, "[b]ecause the probation officer testified that he performed a positive 'in-office' test on appellant, the outside lab report was not the sole evidence of appellant's drug use" and, consequently, the outside lab report was admissible.

Furthermore, courts in other jurisdictions have recognized that a probation officer's testimony about personally administering and interpreting a field test does not represent hearsay. See, e.g. United States v. Soto-Beniquez, 356 F.3d 1, 36 (1st Cir. 2003) ("Officer Rosa-Lopez did not testify about an out-of-court statement, . . . but about his personal observation of the results of the field test."); Hurd v. Howes, 2:11-10600,

2014 WL 793631, at *7 (E.D. Mich. 2014) (observing that "non-hearsay testimony from a police officer who witnessed the field test established that the field test showed the substance was 125 grams of cocaine"); State v. Morris, 2004 WL 1427020, at *2 (Del. Super. 2004) (unpublished opinion) ("The officer's testimony regarding his observations and recordings of defendant's performance on the various field tests was not hearsay."); People v. Williams, 8 Misc. 3d 1008(A), 801 N.Y.S.2d 780 (City Ct. 2005) ("In this case, the testimony of Det. Jerry Golden is related to his own personal observations of the field test conducted by Inv. Pignone.").

In addition, the mere fact that the probation officer's knowledge of how to interpret the test came from other sources does not make the probation officer's testimony hearsay. "Most knowledge has its roots in hearsay." Robinson v. Watts Detective Agency, 685 F.2d 729, 739 (1st Cir. 1982). But repeating a statement made by someone else "is different from a statement of personal knowledge merely based, as most knowledge is based, on information obtained from other people." Agfa-Gevaert, A.G. v. A.B. Dick Co., 879 F.2d 1518, 1523 (7th Cir.1989). "Knowledge acquired through others may still be personal knowledge ..., rather than hearsay...." Id.

Thus, the State submits that the Second District incorrectly regarded as hearsay testimony of a probation officer regarding

his personal experience of administering and interpreting a presumptive field test.

III. THE STATE MAY PROPERLY QUALIFY A PROBATION OFFICER AS COMPETENT TO INTERPRET FIELD TEST RESULTS.

Florida's district courts have recognized that a probation officer can be qualified to interpret field test results, even though the officer may lack scientific knowledge or scientific training. See, e.g., Terry v. State, 777 So. 2d 1093, 1094 (Fla. 5th DCA 2001) (finding probation officer's testimony sufficient to show presence of cocaine metabolites in Terry's urine where officer, although untrained in pharmacology or chemistry, testified to the nature of the field test and how it was performed, and that he was certified by the state to administer the test, which he administered fifty times a month); c.f. Carter v. State, 82 So. 3d 993 (Fla. 1st DCA 2011) (holding probation officer was not competent to interpret field test results because officer was not certified to administer the test and had not administered it with any frequency). As explained below, in the decision under review, the Second District is in conflict with these decisions by incorrectly requiring scientific knowledge as a predicate to qualifying a probation officer to interpret field test results in a probationary proceeding.

In Florida, testimony in the form of an opinion can be admitted under either section 90.701, Florida Statutes (2013),

or section 90.702, Florida Statutes (2013). Section 90.701 permits opinion testimony from lay witnesses under certain circumstances, but only if the "opinions and inferences do not require a special knowledge, skill, experience, or training." § 900.701(2). Section 90.702, in turn, provides that

> If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion or otherwise, if:
>
> (1) The testimony is based upon sufficient facts or data;
>
> (2) The testimony is the product of reliable principles and methods; and
>
> (3) The witness has applied the principles and methods reliably to the facts of the case.

§ 90.702, Fla. Stat. (2013).

The Florida legislature amended section 90.702 of the Florida Evidence Code in 2013 "to adopt the standards for expert testimony in the courts of this state as provided in Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993)," and as "reaffirmed and refined" by both General Electric Co. v. Joiner, 522 U.S. 136, 118 S.Ct. 512, 139 L.Ed.2d 508 (1997), and Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137, 119 S.Ct. 1167, 143 L.Ed.2d 238 (1999). Ch. 2013-107, § 1, Laws of Fla. (2013) (Preamble to § 90.702). Although

Respondent's probation hearing was conducted on June 11, 2013, before the amendments to section 90.702 went into effect, Florida's district courts have applied the amendments retrospectively. See, e.g., Perez v. Bell S. Telecommunications, Inc., 138 So. 3d 492, 498 (Fla. 3d DCA 2014) ("Although the revisions to section 90.702 came into force after the filing of this appeal, we apply them retrospectively to the facts of this case."); Conley v. State, 129 So. 3d 1120, 1121 (Fla. 1st DCA 2013).

This Court, however, has more recently suggested that the "legislative change [reflected in the amendments to section 90.702] does not retroactively apply." Zakrzewski v. State, 147 So. 3d 531 (Fla. 2014). In any event, no Florida appellate court has ever expressly held that either section 90.701 or section 90.702 applies during a probationary proceeding, and neither the trial court nor the Second District expressly applied either statute in the case under review.

Florida's courts, including this Court, have recognized that witnesses can be qualified as "experts" to testify to the identification of certain narcotics based on experience and training. See, e.g., Brooks v. State, 762 So. 2d 879, 894 (Fla. 2000) ("[W]e find that the trial court did not clearly err in allowing Michael Johnson to express his opinion, in the form of expert testimony, that the sandwich bag contained crack

cocaine."); Sinclair v. State, 995 So. 2d 552, 556 (Fla. 3d DCA 2008) ("[W]e see no reason why an officer, such as Sergeant Kerr, who has worked 'street level narcotics' and handled cocaine 'every single day,' should not--after a sufficient predicate has been laid--be permitted to express his opinion concerning the identity of a substance he obtained at a crime scene possessing a distinctive set of physical characteristics[.]"); A.A. v. State, 461 So. 2d 165, 166 (Fla. 3d DCA 1984) "The trial court, therefore, did not abuse its discretion by finding the officer qualified, through his training and extensive work experience, as an "expert" in marijuana identification."); see also Robinson v. State, 348 Md. 104, 702 A.2d 741, 745 (1997) (citing numerous state and federal cases allowing identification of controlled substances by non-chemical means). The basis for these decisions is that a lay witness may possess sufficient knowledge and experience to testify as an "expert" regarding the identification of certain narcotic substances, even though he or she may lack specialized scientific knowledge or training. See Brooks, 762 So. 2d at 893-894 (noting crack dealer's experience selling cocaine and basis for believing that a substance at issue was crack cocaine). As explained below, this reasoning applies with equal force here.

In the case under review, the State established a sufficient predicate to qualify Probation Officer Miller to testify in a probationary proceeding regarding his interpretation of field test results, even though he lacked scientific knowledge or training. Miller testified that he had been employed as a probation officer with the Florida Department of Corrections for a little over 24 years. (R. 273). Miller testified to his experience in administering approximately 40 to 50 random drug tests per month on probationers. (R. 273-275). Neither party asked Miller to estimate the total number of random drug tests he had administered. Miller further testified to the particular brand used, which is called Drug Check, and the manner in which the test is administered and interpreted. (R. 274-275). Miller testified that he is certified by the State in drug testing. (R. 275). The State admitted into evidence, without objection, certificates reflecting Miller's training in this area. (R. 276-277, 217-220). Defense counsel never questioned in the trial court Miller's testimony that he was certified by the State in drug testing.

On cross-examination, Miller acknowledged that he did not know what the chemical on the test strip was called. (R. 289). Miller also acknowledged that in the 24 years he had worked as a probation officer he had had a presumptive test indicate a positive while the lab test indicated a negative result. (R.

291). Defense counsel did not ask Miller with what frequency this occurred. Defense counsel asked Miller whether he knew the reliability of the presumptive test or the lab test, to which Miller responded, "The lab test is qualitative, the presumptive test is not." (R. 291-292). Defense counsel did not ask what this meant. Regarding the field test, Miller testified that he did not "know the percentage of how many cross reactions occur, but it can occur." (R. 292).

Thus, the record establishes that Miller's testimony, including his interpretation of the field test result, was based on his training and experience in regularly administering random drug tests as well as on his review of outside lab test results performed to verify the in-office testing. The State submits that, consistent with the Fifth District's decision in Terry, this testimony qualified Miller to testify before a judge in a probationary proceeding to the use and interpretation of random drug tests. The record shows that Miller was trained and experienced in this area, and that he possessed knowledge, based on his experience, regarding the reliability of the in-office test. Furthermore, the detail with which the probation officer can testify about this issue goes to the weight of his or her testimony and not to its admissibility. See, e.g, Newman v. United States, 49 A.3d 321, 326 (D.C. Cir. 2012) ("Cross-examination revealed that Officer Melby knew little about the

science on which the field test depended or about the rate of false positives. These complaints affect the weight of the evidence, not its admissibility."); Commonwealth v. Zapata, 809 N.E.2d 1099 (Mass. App. Ct. 2004) ("Once the agent reported the results of the field tests, and had testified to his own qualifications and background, the reliability of the tests became an issue of weight, not admissibility, especially in view of the agent's experience.").

In the case under review, the Second District observed that the probation officer was "ignorant of the nature of the chemical and could not explain the scientific basis for the field test." 157 So. 3d at 374. Scientific knowledge, however, was not necessary for the probation officer to testify about the reliability of the field test to identify narcotics in test samples in his or her experience. See, e.g., Weaver v. State, 543 So. 2d 443, 444 (Fla. 3d DCA 1989) (observing that, while "[proof of the identification of contraband does not require scientific tests . . . it must be reliable and based on the observations of a witness with experience and training.").

In cases where other districts have overturned a trial court's revocation of probation and held that an officer's testimony regarding drug tests was insufficient or unreliable by itself to establish a violation of probation, there was very little evidence that showed an officer's expertise in conducting

the drug test. See Bray v. State, 75 So. 3d 749 (Fla. 1st DCA 2011) ("Had the community control officers demonstrated some expertise in the matter, their testimony may have possibly survived a hearsay challenge."); Carter v. State, 82 So. 3d 993 (Fla. 1st DCA 2011); Starling v. State, 110 So. 3d 542 (Fla. 1st DCA 2013); see also Rothe v. State, 76 So. 3d 1010, 1011 (Fla. 1st DCA 2011) (treating officer's testimony about the results of the drug test she performed as hearsay because "she admitted on cross-examination that she has no specialized training, expertise or certification in drug testing"). For example, in Carter, Carter's probation officer's testimony was insufficient because the probation officer did not demonstrate any expertise concerning the workings of a drug test, could not offer an opinion about the significance of the test results, and only performed the test twice, including one false-positive. Carter, 82 So. 3d at 996. In contrast, where, as in this case, the probation officer has performed 40 to 50 random drug tests per month and reviewed independent tests confirming or repudiating many test results, the officer's opinion possesses probative value, even though it was not based on scientific evidence.

Thus, without expressly holding that such testimony is subject to section 90.702, the Second District has arguably required that a probation officer be qualified as a scientific expert in order to interpret presumptive field test results and

to testify about the reliability of those results. In certifying conflict with Terry, the Second District stated that Terry "incorrectly equates the probation officer's expertise in performing a field test with scientific testimony about how the test works to establish the test's reliability." Id. at 375. This reasoning ignores both the probation officer's personal experience in interpreting field tests and also ignores established law holding that lay witnesses may be qualified in certain circumstances to offer opinion testimony based on personal experience. Here, Probation Officer Miller was undisputedly available to testify regarding the reliability of the field test based on his experience. Probation Officer Miller's experience included comparing in-office tests against independent lab tests. Based on Probation Officer Miller's experience and training, scientific knowledge was not necessary to show that he was qualified to interpret the field test results.

In sum, the Second District erred in Queior in requiring that a probation officer possess particularized scientific knowledge or training to testify about the interpretation and reliability of field test results. Terry, which acknowledges that an officer's training and experience provide a basis for the officer's testimony in this area, is consistent with decisions of this Court and other districts authorizing opinion testimony

based on personal experience and knowledge. For this reason, Petitioner asks this Court to quash the Second District's decision in Queior and approve the Fifth District's decision in Terry.

IV. THE PROBATION OFFICER'S NONHEARSAY TESTIMONY CAN BE CONSIDERED IN CONJUNCTION WITH OTHER HEARSAY EVIDENCE.

Because the Probation Officer Miller's testimony represented competent, nonhearsay evidence of a violation of probation, other evidence, including the lab test result, although hearsay, was properly considered by the trial court. See Monroe v. State, 679 So. 2d 50, 52 (Fla. 1st DCA 1996) ("Because the probation officer testified that he performed a positive 'in-office' test on appellant, the outside lab report was not the sole evidence of appellant's drug use. Consequently, the hearsay lab report was admissible."). Here, the trial court properly considered the probation officer's testimony about the field test alongside the positive lab test result, which, although hearsay, corroborated the probation officer's testimony about the test result and its reliability. Taken together, this hearsay and nonhearsay evidence proved beyond the greater weight of the evidence that Respondent had violated the terms and conditions of his probation by using narcotics.

CONCLUSION

Based on the foregoing discussions, the State respectfully requests this Honorable Court quash the decision of the Second

District in Queior and approve the decision of the Fifth District in Terry.

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to the following by electronic service on June 1st, 2015: Richard J. Sanders at rsanders@pd10.state.fl.us, cclark@pd10.state.fl.us, and appealfilings@pd10.state.fl.us.

CERTIFICATE OF COMPLIANCE

I certify that this brief was computer generated using Courier New 12 point font.

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