

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

Appellant,

vs.

BRENDA GOODMAN MEADOWS,

Appellee.

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APPELLATE CASE NO: 2019-AP-000008-A-O  
LOWER COURT CASE NO: 2019-MM-1252-A-O

Appeal from the County Court  
for Orange County, Florida,  
Brian F. Duckworth, County Court Judge

Aramis D. Ayala, State Attorney and  
Elana Paige Ramos, Assistant State Attorney,  
For Appellant

Robert Wesley, Public Defender and  
Brent Lightfoot, Assistant Public Defender,  
For Appellee

Before DOHERTY, SHEA, and WEISS, J.J.

The State of Florida appeals an interlocutory order denying its motion in limine to admit law enforcement opinion testimony regarding the result of a field test of suspected cocaine. A circuit court sitting in its appellate capacity has jurisdiction to consider a non-final order on a motion in limine. *State v. Ratner*, 948 So. 2d 700, 703-04 (Fla. 2007).

At the hearing on the motion, the State presented no evidence supporting its argument that the officers' testimony would be admissible lay opinion testimony. Thus, we find no error in the lower court's written order requiring the State to elicit a proper foundation before admitting this testimony. *See Sajiun v. Hernandez*, 226 So. 3d 875, 880 (Fla. 4th DCA 2017) ("Before lay opinion testimony can be properly admitted, a predicate must be laid in which the witness testifies as to the facts or perceptions upon which the opinion is based."); *L.L. v. State*, 189 So. 3d 252, 255 (Fla. 3d DCA 2016); *Chesser v. State*, 30 So. 3d 625, 628 (Fla. 1st DCA 2010).

We do not read into this order the lower court's musings as to whether this testimony would require additional scientific validation beyond the officers' general training and experience pursuant to *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). Had the State presented evidence and the lower court denied admission on *Daubert* principals, this issue would be reviewable by the Court. However, based on the record before us, we do not opine on the parties' *Daubert* arguments.

**AFFIRMED.**

**DONE AND ORDERED** in Chambers, at Orlando, Orange County, Florida, on this \_\_\_\_ day of November, 2019.

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PATRICIA A. DOHERTY.  
Presiding Circuit Judge

SHEA and WEISS, J.J., concur.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to **the Honorable Brian F. Duckworth**, 425 N. Orange Ave., Orlando, FL 32801, **Elana Paige Ramos**, P.O. Box, Orlando, FL 32801, and **Brent Lightfoot**, 435 N. Orange Ave., Suite 400, Orlando, FL 32801, this \_\_\_\_ day of November, 2019.

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Judicial Assistant