

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

STATE OF FLORIDA,

Appellant,

vs.

THOMAS BRENNAN

Appellee.

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APPELLATE CASE NO.: CJAP07-3  
LOWER CASE NO.: 2006CT-15863

Appeal from the County Court  
for Orange County,  
Faye Allen, Judge.

Lawson Lamar, State Attorney, and  
Abigail Forrester Jorandby, Assistant State Attorney,  
for Appellant.

Joerg F. Jaeger for Appellee.

**BEFORE TURNER, THORPE, AND SHEA, J.J.**

**PER CURIAM.**

**FINAL ORDER AND OPINION AFFIRMING TRIAL COURT**

Appellant, State of Florida (“State”) appeals from the trial court’s order granting Appellee Thomas Brennan’s (“Brennan”) “Motion to Suppress With Regard to Intoxilyzer and Intoxilyzer Test Results Violation of Rule 11D-9.007(3) (Twenty Minute Observation),” rendered on January 19, 2007. This Court has jurisdiction. *See* Fla. R. App. P. 9.140(c)(1)(B).

According to the Charging Affidavit, on October 7, 2006, Deputy Paul Hopkins (“Hopkins”) saw Brennan traveling north on Orange Avenue. When Brennan turned right on Hoffner Avenue, he “swung wide” causing the driver’s side tires to drive onto the double yellow line dividing the east and west traffic lanes. He then sped up to 40-miles per hour in a posted 35-