

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

AARION DESHAWN BLUE

APPELLATE CASE NO: 2014-AP-39-A-O

Appellant,

Lower Case No. 2014-MM-5387-A-O

vs.

STATE OF FLORIDA

Appellee.

_____/
Appeal from the County Court
for Orange County, Florida
Steve Jewett, County Court Judge

Robert Wesley, Public Defender
and Bree Nicole Lawrenson, Assistant Public Defender, for Appellant

Jeffrey Ashton, State Attorney
And Andrew Schragger, Assistant State Attorney, for Appellee

Before MYERS, WHITEHEAD, J. KEST, J.J.

PER CURIAM.

FINAL ORDER AFFIRMING TRIAL COURT

Appellant seeks review of his conviction for driving while license suspended and fleeing and eluding an officer. He contests the trial court's admission of certain evidence. A trial court's decision regarding the admissibility of evidence is reviewed under an abuse of discretion standard and should not be disturbed on appeal absent a clear abuse of that discretion. *Gosciminski v. State*, 132 So. 3d 678, 697 (Fla. 2013).

Over Appellant's hearsay objection, the trial court admitted into evidence a Florida identification card, social security card and bus pass containing Appellant's name. It also allowed a police officer to testify that he found the documents in a car after he made a traffic stop. He testified that the driver stopped, but ran off on foot, abandoning the vehicle. The officer identified Appellant

as the person whom he had seen driving the car and running away. Appellant testified that it was not him who was driving and that his wallet containing these documents had been stolen.

Appellant contends that the admission of these documents and the officer's testimony about finding them was in error because the documents consisted of hearsay improperly offered to prove his identity. Items found at a crime scene are routinely introduced at trial to demonstrate the identity of the perpetrator. While such evidence often consists of fingerprints, blood, hair and the like, it may also consist of personal property possibly belonging to a defendant, including written documents containing a defendant's name that tend to indicate his involvement in a crime. See, e.g., *Nshaka v. State*, 92 So. 3d 843 (Fla. 4th DCA 2012) (utility bills with defendant's name on them found with stolen property); *Delhall v. State*, 95 So. 3d 134 (Fla. 2012) (job application, probation receipt and other papers with defendant's name on them found in car connected with a shooting); *Jackson v. State*, 995 So. 2d 535 (Fla. 2d DCA 2008) (defendant's name on credit card in purse containing illegal drugs).

The documents here, as the documents in those cases, were not introduced to prove any information contained in them. Rather, they were items possibly belonging to Appellant found at the scene. They were not inadmissible hearsay and the trial court did not abuse its discretion in admitting them. While a conviction could not be sustained based on this circumstantial evidence alone, *Davis v. State*, 438 So. 2d 973 (Fla. 2d DCA 1983), the jury also had the positive identification made by the officer to support its finding of guilt.

IT IS THEREFORE ORDERED AND ADJUDGED that the order of the trial court is AFFIRMED.

DONE AND ORDERED in Orlando, Orange County, Florida this 15th day of June, 2015.

/S/

DONALD A. MYERS, JR.
Presiding Circuit Judge

WHITEHEAD and J. KEST, J.J., concur.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing order was furnished to **the Honorable Steve Jewett**, Orange County Courthouse, 425 North Orange Avenue, Orlando, Florida 32801; **Andrew Schrager, Assistant State Attorney**, 435 N Orange Avenue, Orlando, Florida 32801-1526; and to **Bree Nicole Lawrenson, Assistant Public Defender**, 415 N. Orange Avenue, Orlando, Florida 32802-1673 this 16th day of June, 2015.

/S/ _____
Judicial Assistant