

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CRIMINAL)
CASE NO.: 05-18 AC A02

LEWIS ERHART,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Opinion filed: FEB 10 2006

Appeal from the County Court of the Fifteenth Judicial Circuit,
in and for Palm Beach County, Florida; Honorable Paul O. Moyle

For Appellant: Richard W. Springer, Esq.

For Appellee: Gregory Schiller, Esq., Assistant State Attorney
Mr. Manship, C.L.I., State Attorney's Office

PER CURIAM.

Appellant, Lewis Erhart, was convicted of driving under the influence after a jury trial. During deliberations, the jury requested to hear a playback of the arresting officer's testimony. A portion of a pre-trial bench conference was inadvertently played during the playback. The segment included defense counsel's statement to the court, "Judge, I did not move to suppress statements because discovery says, 'driver's statements, none.'" We have reviewed the record and the evidence presented by the state in this case, and we find any error to be harmless. *State v. Diguilio*, 491 So. 2d 1129 (Fla. 1986).

AFFIRMED.

MARX, BURTON, and RAPP, JJ. concur.