

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

SYVONNE SAINT GERARD,
Appellant,

APPELLATE DIVISION (CRIMINAL)
CASE NO. 05-78AC A02

vs.

STATE OF FLORIDA,
Appellee.

Opinion filed: June 14, 2006

Appeal from the County Court in and for Palm Beach County,
Charles E. Burton, Judge.

For Appellant, Alan T. Lipson, Esq., Assistant Public Defender

For Appellee, Michelle Zieba, Esq., Assistant State Attorney

PER CURIAM.

Unlike the breath test affidavits in Shiver v. State, 900 So. 2d 615 (Fla 1st DCA 2005) and Belvin v. State, 922 So. 2d 1046 (Fla. 4th DCA 2005), the annual maintenance reports are not specifically prepared or kept for the purpose of being admitted into evidence to prove the guilt of a criminal defendant. State v. Tapp, 12 Fla. L. Weekly Supp. 978a (Fla. 12th Jud. Cir. 2005). They are kept for the purpose of recording the operation, use, and maintenance of instruments within the control of the Florida Department of Law Enforcement. Id. The annual maintenance reports are admissible as routine business records under the Florida Evidence Code, section 90.803(6) and are not testimonial pieces of evidence as defined by Crawford v. Washington, 124 S. Ct. 1354 (2004). Id. Accordingly, the trial court's decision is affirmed.

LABARGA, RAPP, and BROWN, JJ., concur.