

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

JOAQUIN GONZALEZ,

Appellant,

APPELLATE DIVISION (CRIMINAL)

Case No.: 502012AP900032AXXXMB

Co. Court Case No.: 502010CT033452AXXXMB

v.

STATE OF FLORIDA,

Appellee.

Opinion filed: **APR 25 2013**

Appeal from Judge, Marni Bryson
County Court in and for Palm Beach County.

For Appellant: Richard Greene, Esq., Office of the Public Defender, 421 3rd Street, West Palm Beach, FL 33401.

For Appellee: Stephanie Dutko, Esq., Office of the State Attorney, 401 North Dixie Highway, West Palm Beach, FL 33401.

PER CURIAM.

In this appeal, Appellant maintains that the trial court erred in admitting hearsay evidence over defense objection. During Appellant's trial, the trooper who stopped Appellant testified that he was parked on the side of the road and a vehicle stopped and the occupant told him that there was a vehicle heading westbound on Southern Boulevard that was having a hard time staying in its lane. The trial court overruled defense counsel's hearsay objection, and denied counsel's motion to strike the testimony and motion for mistrial.

The trooper's testimony was clearly inadmissible hearsay and the trial court erred in overruling defense counsel's objection and allowing the testimony. However, the error is in our view

harmless for a variety of reasons. Defense counsel did not request a limiting instruction and the Appellant himself acknowledged his erratic driving and explained that it was attributable to the vehicle because there were issues with the power steering. Based on the foregoing, this Court finds that the error was harmless. See State v. DiGuilio, 491 So.2d 1129 (Fla. 1986). We therefore affirm. (McSORLEY, BURTON, and MILLER, JJ. concur.)