

IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,  
Plaintiff/Appellant,

vs.

CASE NO. 2004 CT 014406 SC

CAROLE BJORKLAND, et al.<sup>1</sup>,  
Defendant/Appellee.

NOTICE OF APPEAL

Comes now the State of Florida, by and through its undersigned State Attorney, and files this Notice of Appeal in accordance with Florida Rules of Appellate Procedure, and states as follows:

1. Notice is given that State of Florida, Plaintiff/Appellant, shall seek review to the Circuit Court of the Twelfth Judicial Circuit, Sarasota County, of the County Court's Order on Motion for Sanctions, signed on December 21, 2005 in this cause, and filed on December 22, 2005.

2. In that Order, the County Court removed the statutory presumption under F.S. § 136.2932, and effectively suppressed the breath alcohol tests from evidence at trial.

Respectfully submitted,  
EARL MORELAND, STATE ATTORNEY

BY:



JASON M. MILLER, ASA, 624551  
Office of the State Attorney  
2071 Ringling Blvd., Suite 400  
Sarasota, Florida 34237-700

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by hand to:  
Robert Harrison, Esquire, 825 S. Tamiami Trail, Ste. 2, Venice FL 34285 this 4 day of  
JAN, 2006.

BY:



JASON M. MILLER

<sup>1</sup> Complete list of Defendant/Appellees attached.

*CAROLE MAE BJORKLAND	2005 CT 14406 SC
KRISTEN BENNETT	2005 CT 5705 SC
DARIN S. BUSHONG	2005 CT 1158 SC
KATHLEEN CHARLES	2004 CT 11430 SC
JOHN DOWNING	2002 CT 4894 SC
CHRISTOPHER FORRESTER	2004 CT 11276 SC
LEWIS FRYE	2005 CT 7074 SC
KEVIN GAUL	2005 MM 10208 SC
JAY GROEPEL	2003 CT 1756 SC
DEBORAH HACKER	2004 MM 6921 SC
KRISTIN HAVLIN	2004 CT 17591 SC
ELIZABETH HOMAN	2004 CT 9906 SC
JOHN BARTON KEENAN	2005 CT 12195 SC
PERRY LYTLE	2004 CT 450 SC
THERESA MATTHEWS	2003 CT 18940 SC
KEVIN MOONEY	2005 CT 3776 SC
PATRICK O'BRIEN	2005 CT 4029 SC
MARY O'KEEFE	2004 CT 12679 SC
ROBERT PILLSBURY	2005 CT 4833 SC
BRANDY PUSATERI	2005 CT 6732 SC
GERALD RIELEY	2004 CT 20081 SC
ROBERTA ROBINSON	2005 CT 11053 SC
DAVID ROSS	2004 CT 6571 SC
BENJAMIN S. SAXBY	2003 MM 9907 SC
SHANNON STEVENSON	2003 CT 16502 SC
STEVEN STINSON	2004 CT 16192 SC
LYNDA TATROMORALEE	2005 CT 4014 SC
JAMES TAYLOR	2005 CT 10276 SC
JOHN VANARMAN	2004 CT 17504 SC
STEVEN VANHORN	2004 CT 16670 SC
STEVEN WEEKS	2005 CT 9462 SC
STEVEN WEEKS	2004 CT 5363 SC
JAIMEE WELCH	2003 CT 15180 SC
MICHAEL PACHOTA	2005 CT 7092
AMBER PADDOCK	2005 CT 905
MORLEY PARENT	2003 MM 8714
SARA PENNEY	2003 CT 18637
DOMINIC BURCH	2004 CT 12605
SHANE HALE	2005 CT 12050
VICTOR GARCIA	2005 CT 59
ADRIAN JUAREZ MATIANO	2004 CT 19990
OWEN ERICKSON	2005 MM 3057
WINIFRED JACOBSON	2005 CT 3325
PIERRE SANTILLANA	2005 CT 8274
JEREMY MOUNCE	2004 CT 16624
KENNETH BAKER	2005 MM 2364 SC
LOUIS DARNA	2004 CT 12684 SC
CATHY GANGE	2003 CT 18650 SC
DANN E. GRAFF	2005 CT 6385 SC
LAWRENCE KALLAS	2005 CT 318 SC
MATT PALMER	2005 CT 10079 SC
ROBERT PROVAZNIK	2004 CT 19929
JAMES TRAYWICK	2004 CT 5463 SC
GLEN WEDMORE	2004 CT 11521 SC
BETTY MOORE	2005 CT 7451
JULIE SUTTON	2005 CT 13098
DAVID MAGDALIK	2005 CT 4730

MITCHELL MALONE	2004 CT 15472
SHELBY RAE STEBBINS	2005-CT-18500 SC
REGAN E. PATON	2005 CT 2556
MARK DAIL	2004 CT 19325
TARA BROWN	2005 CF 1681
THOMAS JANKE	2005 CT 1214
LISA FREDERICKSON	2005 CT 18161
MICHAEL ABEL	2005 CT 7446
CARMEN CARTER	2005 CT 11089
CARL COURY	2005 CT 13540
DOUGLAS KREMER	2005 CT 13490
RONALD LABASKY	2005 CT 12042
COURTNEY MASSEY	2005 CT 7881
BELINDA BARNETT	2005 CT 11034 SC
MARCIA BARRETT	2005 CT 8445
DAVID BENNETT	2005-CT-17330 SC
MELISSA BENNETT	2005 CT 1286
KAREN BURNHAM	2005 CT 11691 SC
MARTHA BURNS	2005 CT 11691 SC
WILLIS CHAMBERS	2005 CT 7721 SC
BARBARA CHANDLER	2005 CT 11268
ROBERT CORREIA	2005 CT 11514 SC
GREG COWELL	2005-CT-15152 SC
JAMES DALE	2005 CT 10255 SC
MARIO FELIX	2005 CT 6391
ALMASA FOCO	2005 CT 12050
JAROLD FRENCH	2005 CT 9097 SC
JESUS GARCIA	2005 CT 9965 SC
RYAN GREEN	2005 CT 10636 SC
JOSHUA HAAG	2005 CT 15691 SC
CARROLL HARTLOVE	2005 CT 5624 SC
GEORGES HILARE	2005 CT 11530 SC
DAWN JORDAN	2005 CT 8198
JAMES JOYCE	2005 CT 7664 SC
KURT KRAMER	2005 CT 12866 SC
BERNARD KILLION	2005 CT 3999 SC
GARY MICHAEL LEE	2005 CT 4425 SC
DANIELLE LYNCH	2005 CT 3233 SC
GARCIA MADDOX	2005 CT 13276
LESLEY McGOWAN	2005 CT 14247
LUIS MONTALVAN	2005 CT 14660
PATRICIA PATE	2005 CT 14345
LAURA PEACE	2005 CT 14160
STEVEN ROSADO	2005 MM 11846 SC
JASON ROSE	2005 CT 873
MOISES SANTIAGO	2005 CT 1586 SC
DANIEL SAULS	2005 CT 6391
RANDY SCHLESMAN	2005 CT 9281
JUSTIN SCHRIEBER	2005 CT 9128
GLENN SEEPLE	2005 CT 13039 SC
ROBIN SPUNKS	2005 CT 17158 SC
GRACE SULKOWSKI	2005 CT 13904
JUAN VASQUEZ	2005 CT 14687
ANTHONY WOLF	2005 CT 8885 SC
FRANCES KORKUS	2005 CT 6697
MARK ELLIS	2005 CT 12841
MICHAEL GANEY	2005 CT 3195 SC