

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

STATE OF FLORIDA

v.

CASE NO: 2008-CT-20423NC

NEIL J. BUONO,  
Defendant.

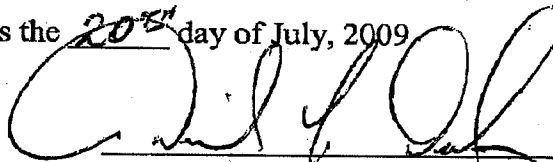
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**ORDER ON STATE'S MOTION FOR REHEARING**

This Matter came before this Court pursuant to the State's Motion for Rehearing on the Motion to Suppress which was granted in part by this court in an en banc hearing on June 19, 2009. Each of the Defendants on this consolidated motion was charged with Driving Under the Influence after submitting to a breath test on an Intoxilyzer 8000. The Motion to Suppress alleged that the Intoxilyzer 8000 was not a properly approved breath testing instrument under §316.1932, Florida Statutes and Rule 11D-8 of the Florida Administrative Code. The court heard extensive testimony and argument on this issue on May 12, 2009. Although this court recognizes that it does have the authority to reconsider an interlocutory ruling on a motion to suppress, this court declines to do so. *See Goodwin v. State*, 826 So.2d 1022 (Fla. 3rd DCA 2001); *State v. Harvey*, 573 So.2d 111 (Fla. 2d DCA 1991).

It is therefore, **ORDERED AND ADJUDGED** that the State's Motion for Rehearing is **DENIED**.

**DONE AND ORDERED** this the 20<sup>th</sup> day of July, 2009



SARASOTA COUNTY JUDGE  
DAVID L. DENKIN

Copies Furnished To:

Assistant State Attorney, Cliff Ramey by hand /mail  
Defense Attorney, Robert Harrison by hand/mail