

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

ERIC CARDOSO,

Appellant,

v.

Case No. 5D22-1152

LT Case No. 2021-MM-35790

STATE OF FLORIDA,

Appellee.

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Opinion filed October 28, 2022

Appeal from the County Court  
for Brevard County,  
Aaron Peacock, Judge.

Matthew J. Metz, Public Defender,  
and Joseph Chloupek, Assistant  
Public Defender, Daytona Beach, for  
Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Daniel P. Caldwell,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See *Williams v. State*, 710 So. 2d 24, 28 (Fla. 3d DCA 1998) (“Police officers and lay witnesses have long been permitted to testify as to their observations of a defendant’s acts, conduct, and appearance, and also to give an opinion on the defendant’s state of impairment based on those observations.”); *City of Orlando v. Newell*, 232 So. 2d 413, 413 (Fla. 4th DCA 1970) (holding that where police officer in prosecution for driving under influence of intoxicating beverages described to trial court, before expressing opinion, the defendant’s acts, conduct, appearance and statements as seen and heard by officer, officer’s opinion testimony that defendant was under influence of intoxicating beverages to the extent that his normal faculties were impaired was properly admitted).<sup>1</sup>

LAMBERT, C.J., EVANDER and EDWARDS, JJ., concur.

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<sup>1</sup> We also reject appellant's contention that the prosecutor below engaged in improper closing argument.