

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, 2004

REINARDO GARCIA,

**

Appellant,

**

vs.

** CASE NO. 3D03-1746

THE STATE OF FLORIDA,

** LOWER

TRIBUNAL NO. 02-560

Appellee.

**

Opinion filed April 21, 2004.

An Appeal from the Circuit Court for Monroe County, Wayne
Miller, Judge.

Richard Docobo, for appellant.

Charles J. Crist, Jr., Attorney General, and Annette M.
Lizardo, Assistant Attorney General, for appellee.

Before GERSTEN, GODERICH and FLETCHER, JJ.

PER CURIAM.

The defendant, Reinardo Garcia, appeals from his convictions
and sentences for sale of cocaine and trafficking in cocaine
arguing that the trial court abused its discretion by admitting

into evidence the cocaine seized from both transactions without requiring the State to establish a complete chain of custody. We affirm based on our finding that the State was not required to establish a complete chain of custody where the record does not demonstrate that there was a probability of tampering with the evidence. Davis v. State, 788 So. 2d 308, 310 (Fla. 5th DCA 2001); Creme v. State, 752 So. 2d 1238 (Fla. 3d DCA 2000).

Affirmed.