

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

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

TAVARES ANTONIO
MCDUFFIE ,

Appellant,

CASE NO. 1D08-2104

v.

STATE OF FLORIDA ,

Appellee.

Opinion filed December 31, 2009.

An appeal from the Circuit Court for Clay County.
William A. Wilkes, Judge.

Nancy A. Daniels, Public Defender, and Paula S. Saunders, Assistant Public
Defender, Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Christine A. Guard, Assistant Attorney
General, Tallahassee, for Appellee.

CLARK, J.

Appellant, Tavares Antonio McDuffie, challenges his conviction entered
after jury trial on an amended information. He argues on appeal that the filing of
the amended information during the speedy trial rule's recapture period precluded
his trial on that amended information. See Fla. R. Crim. P. 3.191(p).

Because the propriety and timeliness of the amended information was not raised in the trial proceedings, it has not been preserved for appeal. State v. Olivo, 759 So. 2d 647 (Fla. 2000).

Appellant's challenges to evidence admitted over defense counsel's objections are unsupported by any showing in the record that the trial court abused its discretion.

The judgment on appeal is AFFIRMED.

BARFIELD and ROWE, JJ., CONCUR.