

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2011

RICHARD M. MORRIS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-4832

[July 27, 2011]

PER CURIAM.

Affirmed. See *McMullen v. State*, 714 So. 2d 368, 372 (Fla. 1998) (recognizing “the admissibility of expert testimony regarding the reliability of eyewitness testimony is left to the sound discretion of the trial judge”); *Johnson v. State*, 438 So. 2d 774, 777 (Fla. 1983) (finding no abuse of discretion in refusal to permit psychology professor to testify concerning common problems with eyewitness identification; “a jury is fully capable of assessing a witness’ ability to perceive and remember, given the assistance of cross-examination and cautionary instructions, without the aid of expert testimony”).

STEVENSON, GROSS, JJ., and STREITFELD, JEFFREY E., Associate Judge, concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert A. Hawley, Judge; L.T. Case No. 312007CF000671A.

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Jeanine M. Germanowicz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.