

# Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed October 26, 2011.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D10-1970  
Lower Tribunal No. 07-28171

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**Mervin Watty,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Dava J. Tunis,  
Judge.

Carlos J. Martinez, Public Defender, and Robert Kalter, Assistant Public  
Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Michael W. Mervine, Assistant  
Attorney General, for appellee.

Before RAMIREZ and ROTHENBERG, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Even indulging both of the very dubious propositions that the single ruling  
complained of on appeal was (a) properly preserved below and (b) in fact

erroneous, we nonetheless affirm the conviction and sentence under review on the ground that, beyond a reasonable doubt, the ruling complained of could not have contributed to the verdict and was thus harmless. See *Franqui v. State*, 59 So. 3d 82, 102 (Fla. 2011).

Affirmed.