

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

COSTADARYLL HUGHLEY,

Appellant,

v.

Case No. 5D19-3330

STATE OF FLORIDA,

Appellee.

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Opinion filed December 4, 2020

Appeal from the Circuit Court for  
Orange County,  
Denise Kim Beamer, Judge.

James S. Purdy, Public Defender, and  
Louis Rossi, Assistant Public Defender,  
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Bonnie Jean Parrish,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

SASSO, J.

Appellant, Costadaryll Hughley, appeals the judgment and sentence entered after he was convicted of trafficking in oxycodone and sale/delivery of hydromorphone. We affirm in all respects. As to Appellant's argument that the trial court erred in denying his motion for judgment of acquittal, we conclude the specific argument raised on appeal was

not preserved. See *Tillman v. State*, 471 So. 2d 32, 35 (Fla. 1985) (“In order to be preserved for further review by a higher court, an issue must be presented to the lower court and the specific legal argument or ground to be argued on appeal or review must be part of that presentation if it is to be considered preserved.”); *Thompson v. State*, 944 So. 2d 546, 549 (Fla. 4th DCA 2006) (holding that argument not made below in support of motion for judgment of acquittal was unpreserved). As to Appellant’s argument that the trial court erred in overruling the defense’s objection to the prosecutor’s misstatement of law, we conclude any error was harmless beyond a reasonable doubt.

AFFIRMED.

COHEN and EISNAUGLE, JJ., concur.