

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D23-554
LT Case No. 2022-CF-4825

JOHN HAYDEN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Jeb T. Branham, Judge.

Matthew J. Metz, Public Defender, and Natalie R. Gossett,
Assistant Public Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General, and Kristie Regan, Assistant
Attorney General, Tallahassee, for Appellee.

December 8, 2023

PER CURIAM.

Appellant challenges his conviction for aggravated battery with a deadly weapon and the prison sentence imposed following trial. Appellant argues that error occurred when, during the direct examination of the investigating officer, the prosecutor asked the officer if she determined who was the primary aggressor in the altercation between Appellant and the victim, to which the officer answered that it was Appellant, *see Zangroniz v. State*, 358 So. 3d

827, 830 (Fla. 3d DCA 2023) (“[T]he questioning of the officers about who they viewed as the ‘aggressor’ improperly invaded the province of the jury by soliciting witnesses’ opinions about the merits of [the defendant’s] self-defense claim, and ultimately his guilt or innocence.”), and then, during closing argument, when the prosecutor reminded the jury of this testimony.

Appellant concedes that his trial counsel raised no objections to either the question and answer or the prosecutor’s comment during closing argument. He relies on the fundamental error doctrine for reversal. From our review of the record, we conclude that no fundamental error occurred and, therefore, affirm.

AFFIRMED.

LAMBERT, EISNAUGLE, and PRATT, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
