

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH
DISTRICT

JULY TERM 2004

TRAVIS PETER HAMZIK,

Appellant,

v.

CASE NO. 5D03-4048
(CORRECTED)

STATE OF FLORIDA,

Appellee.

Opinion filed December 17, 2004

Appeal from the Circuit Court
for Orange County,
John H. Adams, Judge.

James B. Gibson, Public Defender, and James R.
Wulchak, Assistant Public Defender, Daytona Beach,
for Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Mary G. Jolley, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

The appellant, Travis Peter Hamzik, was convicted of DUI manslaughter, and sentenced accordingly. Mr. Hamzik raises eight issues on appeal, none of which demonstrate that error was committed. With respect to the issue of whether Mr. Hamzik's motion for judgment of acquittal should have been granted, see *Haas v. State*, 597 So. 2d 770 (Fla. 1992); *Miller v. State*, 597 So. 2d 767 (Fla. 1991); *State v. Banoub*, 700 So. 2d 44 (Fla. 2d DCA 1997); and *Tracton v. City of Miami Beach*, 616 So. 2d 457 (Fla. 3d DCA 1993). As

to the asserted instructional error, see *State v. Van Hubbard*, 751 So. 2d 552 (Fla. 1999); and *Richardson v. State*, 797 So. 2d 10 (Fla. 5th DCA 2001), *review denied* 817 So. 2d 849 (Fla. 2002). On the issue of whether a continuance should have been granted, we conclude that the trial court did not abuse its discretion. See *Branch v. State*, 685 So. 2d 1250 (Fla. 1996), *cert. denied*, 520 U.S. 1218 (1997).

AFFIRMED.

SAWAYA, CJ., PETERSON and MONACO, JJ., concur.