

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

JULY TERM 2006

DONALD STANFORD LOWRY,

Appellant,

v.

Case No. 5D05-1808

STATE OF FLORIDA,

Appellee.

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Opinion filed November 9, 2006.

Appeal from the Circuit Court
for Orange County,
Lisa T. Munyon, Judge.

Mary Elizabeth Fitzgibbons of
Quinones, Fitzgibbons, Pfister &
Oliver, P.L., Kissimmee, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Rebecca Roark Wall,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Anderson v. State, 841 So. 2d 390, 403 (Fla. 2003) (defining fundamental error as "that [which] reaches down into the validity of the trial itself to the extent that a verdict of guilty could not have been obtained without the assistance of the alleged error"); Huck v. State, 881 So. 2d 1137, 1151 (Fla. 5th DCA 2004) (noting that admission of evidence is reviewed for abuse of discretion); Carratelli v. State, 915 So.

2d 1256, 1259 (Fla. 4th DCA 2005) (stating party must object before the jury is sworn to preserve a claim of impermissibly motivated peremptory strikes); Becraft v. State, 910 So. 2d 413, 414 (Fla. 4th DCA 2005) (holding specific objections not made at trial are not preserved for appeal); Graham v. State, 470 So. 2d 97, 97-98 (Fla. 1st DCA 1985) (ruling juror's expressed discomfort with continued service gave rise to reasonable doubt juror could be fair and impartial).

THOMPSON, MONACO and EVANDER, JJ., concur.