

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

JANUARY TERM 2007

ROSEME GIBSON,

Appellant,

v.

Case No. 5D05-3289

STATE OF FLORIDA,

Appellee.

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Opinion filed May 25, 2007.

Appeal from the Circuit Court  
for Orange County,  
Jose R. Rodriguez, Judge.

James S. Purdy, Public Defender,  
and Tomislav David Golik, Assistant Public  
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Lori N. Hagan,  
Assistant Attorney General,  
Daytona Beach, for Appellee.

THOMPSON, J.

AFFIRMED. See Battle v. State, 911 So. 2d 85, 89 (Fla. 2005) (noting fundamental error is that which reaches down into the validity of the trial itself such that a guilty verdict could not have been obtained without the assistance of the alleged error); McCray v. State, 416 So. 2d 804, 806 (Fla. 1982) (stating "the fact that the

defendant might have a better chance of acquittal or a strategic advantage if tried separately does not establish the right to a severance").

ORFINGER and TORPY, JJ., concur.