

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

JULY TERM 2007

MISTER HAWK,

Appellant,

v.

Case No. 5D06-2076

STATE OF FLORIDA,

Appellee.

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Opinion filed August 31, 2007.

Appeal from the Circuit Court  
for Brevard County,  
George W. Maxwell III, Judge.

James S. Purdy, Public Defender,  
and Marvin F. Clegg, Assistant Public  
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Kristen L. Davenport,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Roberts v. State, 923 So. 2d 578, 580 (Fla. 5th DCA 2006) ("A  
mistrial is warranted only when an error is so prejudicial that it vitiates the entire trial.");  
Waldo v. State, 728 So. 2d 280, 281 (Fla. 3d DCA 1999), quashed on other grounds,  
759 So. 2d 674 (Fla. 2000) (holding nature of force used was deadly as matter of law).

PALMER, C.J., THOMPSON and MONACO, JJ., concur.