

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

JULY TERM 2007

JONATHAN TARELL FISHER,

Appellant,

v.

Case No. 5D06-3595

STATE OF FLORIDA,

Appellee.

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Opinion filed August 10, 2007.

Appeal from the Circuit Court
for Osceola County,
Jon B. Morgan, Judge.

James S. Purdy, Public Defender,
and Henry T. Swann, III, Assistant Public
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Bonnie Jean Parrish,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Battle v. State, 911 So. 2d 85, 89 (Fla. 2005) (holding fundamental error is that which reaches down into the trial's validity to the extent that a guilty verdict could not have been obtained without the assistance of the error).

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