

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

JANUARY TERM 2011

THOMAS J. HARRIS, JR., II,

Appellant,

v.

Case No. 5D10-316

STATE OF FLORIDA,

Appellee.

Opinion filed July 8, 2011

Appeal from the Circuit Court
for Orange County,
Marc L. Lubet, Judge.

Paul S. Horning and Tanya M. Dugree of
Tanya M. Dugree, P.A., Tampa, for
Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Douglas T. Squire,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Thomas J. Harris, Jr., II, appeals his judgment and sentences for first degree murder and attempted robbery with a firearm, raising five issues. We find no reversible error and affirm. We do agree that the testimony of Deshay Jackson concerning the reason he refused to testify at the first trial should not have been admitted, but allowing the jury to hear the question and Deshay Jackson's answer, as limited by the trial court, was harmless. See *State v. DiGuilio*, 491 So. 2d 1129, 1139 (Fla. 1986).

AFFIRMED.

GRIFFIN, SAWAYA and COHEN, JJ., concur.