

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

LARRY RUSSELL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D02-4793

Opinion filed October 30, 2003.

An appeal from the Circuit Court for Duval County.
Henry E. Davis, Judge.

Nancy A. Daniels, Public Defender, and Glenna Joyce Reeves, Assistant Public
Defender, Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General, and James W. Rogers, Assistant Attorney
General, for Appellee.

PER CURIAM.

We affirm the convictions of Larry Russell and reject his claim that the trial
court fundamentally erred by giving the standard jury instruction regarding the
inference that arises from proof of possession of recently stolen property, on the

grounds that the instruction created an impermissible mandatory presumption and constituted an improper comment on the evidence. See Walker v. State, 853 So. 2d 498 (Fla. 1st DCA 2003); Currington v. State, 711 So. 2d 218 (Fla. 5th DCA 1998). Russell waived certification of the question from Walker by failing to object below. Wright v. State, 789 So. 2d 1246 (Fla. 1st DCA 2001), review denied, 816 So. 2d 131 (Fla. 2002).

AFFIRMED.

ERVIN, BOOTH and KAHN, JJ., CONCUR.