

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

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

COREY LANE SMITH,

Appellant,

v.

CASE NO. 1D08-1490

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 22, 2009.

An appeal from the Circuit Court for Nassau County.
Robert M. Foster, Judge.

James T. Miller, Jacksonville, for Appellant.

Bill McCollum, Attorney General, and Bryan Jordan, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Corey Lane Smith appeals his convictions on four counts of lewd and lascivious molestation on a victim under age twelve and asserts two points of alleged fundamental error. We affirm the second point without comment. As to

the first point, we find the prosecutor's statements in closing argument do not rise to the level of fundamental error. See, e.g., State v. Fountain, 930 So. 2d 865 (Fla. 2d DCA 2006).

AFFIRMED.

KAHN, DAVIS, and CLARK, JJ., CONCUR.