

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

ANTOINE DOURICE
SIRMONES,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D15-1901

Opinion filed November 14, 2016.

An appeal from the Circuit Court for Bradford County.
Robert Groeb, Judge.

Nancy A. Daniels, Public Defender and Pamela D. Presnell, Assistant Public
Defender, for Appellant.

Pamela Jo Bondi, Attorney General and Julian E. Markham, Assistant Attorney
General, for Appellee.

PER CURIAM.

AFFIRMED. Waters v. State, 174 So. 3d 434 (Fla. 1st DCA 2015) (citing
to Armstrong v. State, 579 So. 2d 734, 735 (Fla. 1991) (holding that fundamental
error can be waived when defense counsel requests an erroneous jury instruction)).

LEWIS and OSTERHAUS, JJ., CONCUR. WOLF, J., DISSENTS.