

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

JANUARY TERM 2005

**MARCUS L. COLSTON,**

FARMER, C.J., and TAYLOR, J., concur.

Appellant,

***NOT FINAL UNTIL DISPOSITION OF ANY  
TIMELY FILED MOTION FOR REHEARING.***

v.

**STATE OF FLORIDA,**

Appellee.

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CASE NO. 4D04-501

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Opinion filed February 23, 2005

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael L. Gates, Judge; L.T. Case No. 03-10195 CF10B.

Patrick C. Rastatter of Glass & Rastatter, P.A., Fort Lauderdale, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

SHAHOOD, J.

We affirm appellant's, Marcus Colston, conviction and sentence for robbery with a firearm and aggravated battery with a firearm. As his second issue, appellant argues the trial court erred in allowing the state to exercise a peremptory challenge in a manner which excluded prospective black jurors solely based on their race. This issue was not preserved for appeal. But for the preservation issue we would have a great concern for the striking by the state of prospective juror Corathea Thomas for, among other reasons, having "two gold teeth."

We affirm as to the remaining issues raised without further discussion.

AFFIRMED.