

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2006

WILLIAM MALOY, II,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-3409

[September 20, 2006]

PER CURIAM.

We affirm appellant's convictions for tampering with evidence, possession of drug paraphernalia, and resisting an officer without violence. The trial court did not abuse its discretion by disallowing appellant to display the inside of his mouth to a state witness during cross examination. Appellant did not seek to display the inside of his mouth to the jury once the state had rested. Therefore, appellant failed to preserve any objection by obtaining a definitive ruling on the issue of the closing argument "sandwich." See *Carratelli v. State*, 832 So. 2d 850, 856 (Fla. 4th DCA 2002) (stating that "[a] plethora of Florida cases support the notion that a party must obtain a ruling from the trial court in order to preserve an issue for appellate review"); *Marin v. State*, 624 So. 2d 808 (Fla. 3d DCA 1993) (concerning a defendant's right to open and close final argument). We also reject appellant's claim on direct appeal that trial counsel provided him with ineffective assistance of counsel. See *Dennis v. State*, 696 So. 2d 1280 (Fla. 4th DCA 1997).

WARNER, KLEIN and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Sherwood Bauer, Jr., Judge; L.T. Case No. 472004CF000769A.

Carey Haughwout, Public Defender, and James W. McIntire, Assistant

Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Jeanine M. Germanowicz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.