

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

RANDOLPH E. WARREN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-4779

[November 29, 2006]

PER CURIAM.

We have considered the prosecutor's comment in closing argument in light of *Rodriguez v. State*, 753 So. 2d 29, 37 (Fla. 2000), and conclude the comment was not directed at a point which only the defendant could contradict. Therefore, we affirm.

GROSS, HAZOURI, JJ., and MAASS, ELIZABETH T., Associate Judge, concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Dan L. Vaughn, Judge; L.T. Case No. 2004-933 CF.

Carey Haughwout, Public Defender, and Tom Wm. Odom, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Thomas A. Palmer, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.