

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

TERRY ROBERTS,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
)
)
 _____)

CASE NO. 2D01-3504

Opinion filed November 1, 2002.

Appeal from the Circuit Court for
Polk County; J Michael McCarthy, Judge.

James Marion Moorman, Public Defender,
and Robert D. Rosen, Assistant Public
Defender, Bartow, for Appellant.

Robert A. Butterworth, Attorney General,
Tallahassee, and Susan M. Shanahan,
Assistant Attorney General, Tampa,
for Appellee.

PER CURIAM.

Affirmed.

WHATLEY and SILBERMAN, JJ., Concur.
BLUE, C.J., Concur with opinion.

BLUE, Chief Judge, Concurring.

I concur in the affirmance; however, I am compelled to point out that the trial court erroneously allowed the officer to testify that there was an outstanding warrant for Mr. Roberts. Such testimony was inadmissible evidence of collateral crimes. See § 90.404(2)(a), Fla. Stat. (2000). The evidence of the warrant was not relevant to prove any material fact in issue in this case. Therefore, its only relevance was to show bad character and the propensity to commit a crime on the part of Mr. Roberts. However, based on all the facts of this case, I conclude the error was harmless beyond a reasonable doubt. See State v. DiGuilio, 491 So. 2d 1129 (Fla. 1986).