

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

SANDRA DELANCEY, as Personal)
Representative of the Estate and on)
behalf of all survivors of KIMBERLY)
DELANCEY, deceased,)
)
Appellant,)
)
v.)
)
CARLTON ARMS OF MAGNOLIA)
VALLEY, LLLP, a Florida limited liability)
limited partnership; and THE)
MAHAFFEY APARTMENT COMPANY,)
a Florida corporation,)
)
Appellees.)
_____)

Case No. 2D10-5451

Opinion filed August 17, 2012.

Appeal from the Circuit Court for Pasco
County; W. Lowell Bray, Judge.

Barry A. Cohen and Michael W. Gaines
of The Cohen Law Group, Tampa, for
Appellant.

Mark D. Tinker and Charles W. Hall of
Banker Lopez Gassler, P.A., St.
Petersburg, for Appellee Carlton Arms
of Magnolia Valley.

No appearance for Appellee The
Mahaffey Apartment Company.

PER CURIAM.

Sandra Delancey, as Personal Representative of the Estate of Kimberly Delancey, appeals a final judgment entered after a jury trial in favor of Carlton Arms of Magnolia Valley and the Mahaffey Apartment Company. This case arises from the murder of Kimberly Delancey. Although the criminal case resulted in the conviction of the perpetrator, the Personal Representative sought to pursue civil liability against the owners, managers, and operators of the apartment complex where Kimberly resided. On appeal, the Personal Representative raised two issues concerning the applicability of section 768.36, Florida Statutes (2005), the alcohol defense statute.

After thoroughly reviewing the record and the arguments made in the trial court and on appeal, and notwithstanding the tragic facts of this case, we conclude that the Personal Representative has not established reversible error. Accordingly, we affirm the final judgment.

Affirmed.

SILBERMAN, C.J., and CASANUEVA and KELLY, JJ., Concur.