

Third District Court of Appeal

State of Florida

Opinion filed July 1, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D17-2411
Lower Tribunal No. 15-23635

Luis Alberto Basalo,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Richard L. Hersch, Judge.

Rier Jordan, P.A., Andrew F. Rier and Jonathan E. Jordan, for appellant.

Ashley Moody, Attorney General, and Linda Katz, Assistant Attorney General, for appellee.

Before EMAS, C.J., and SALTER and LOBREE, JJ.

PER CURIAM.

Affirmed. Ultimately, defense “counsel expressed agreement with the way the transcript request was handled. Under the invited-error doctrine, a party may not

make or invite error at trial and then take advantage of the error on appeal. Accordingly, [the defendant] is not permitted to take advantage of this invited error.” Gonzalez v. State, 136 So. 3d 1125, 1147 (Fla. 2014) (citation omitted); see also Adams v. State, 122 So. 3d 976, 977 (Fla. 2d DCA 2013) (holding that court’s failure to inform jury of possibility of read-back of testimony was not fundamental error); Frasilus v. State, 46 So. 3d 1028, 1031 (Fla. 5th DCA 2010) (“Even if a court’s failure to inform the jury of their right to request a read-back . . . were error, it is hard to conceive that it would be fundamental error.”).