

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

TIMOTHY TAYLOR,	**	
Appellant,	**	
vs.	**	CASE NO. 3D00-1475
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 98-38777

Opinion filed July 18, 2001.

An Appeal from the Circuit Court for Dade County, Amy Dean,
Judge.

Bennett H. Brummer, Public Defender and Marti Rothenberg,
Assistant Public Defender, for appellant.

Robert A. Butterworth, Attorney General and Richard L. Polin
Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and COPE and LEVY, JJ.

PER CURIAM.

The defendant's sole point on this appeal challenges the
admission of a written "prior consistent statement" made by his
alleged co-perpetrator who testified against him at the trial.
There is no merit to this claim because (a) the statement was
properly admitted to rebut the argument that the accomplice's

testimony was fabricated only after he had plead guilty himself, see *Moore v. State*, 701 So. 2d 545 (Fla. 1997), cert. denied, 523 U.S. 1083 (1998); (b) the defendant's objection below was not based on the legal ground asserted on appeal, *Thomas v. State*, 645 So. 2d 185 (Fla. 3d DCA 1994); and (c) the admission of the written statement was plainly cumulative and thus harmless beyond a reasonable doubt. *Goodwin v. State*, 751 So. 2d 537 (Fla. 1999); *State v. DiGuilio*, 491 So. 2d 1129 (Fla. 1986); *Moss v. State*, 664 So. 2d 1061 (Fla. 3d DCA 1995), review denied, 675 So. 2d 928 (Fla. 1996).

Affirmed.