

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

NESTOR A. GARCIA,	**	
Appellant,	**	
vs.	**	CASE NOS. 3D00-3163 3D00-3394
THE STATE OF FLORIDA,	**	
Appellee.	**	LOWER TRIBUNAL NO. 97-10882

Opinion filed October 24, 2001.

An appeal from the Circuit Court for Dade County, Manuel Crespo, Judge.

Bennett H. Brummer, Public Defender, and Valerie Jonas, Assistant Public Defender, for appellant.

Robert A. Butterworth, Attorney General, and Barbara A. Zappi, Assistant Attorney General, for appellee.

Before COPE and GERSTEN JJ., and NESBITT, Senior Judge.

PER CURIAM.

We affirm the burglary conviction of defendant-appellant Nestor A. Garcia.

On the first issue, we reject the claim of error. It does not appear that the argument now made on appeal was clearly presented

to the trial judge. See Castor v. State, 365 So. 2d 701, 703 (Fla. 1978).

As to the defendant's second and third points, we conclude that the trial court acted within discretion in excluding evidence of claimed prior bad acts by the victim. See Chaudoin v. State, 707 So. 2d 813 (Fla. 5th DCA 1998).

We find no error in the scope of the Richardson* hearing and the trial court's rulings thereunder.

Affirmed.

* Richardson v. State, 246 So. 2d 771 (Fla. 1971).