

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

TRAVIS ANTON SNOW,	**	
Appellant,	**	
vs.	**	CASE NO. 3D00-902
STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 97-35144

Opinion filed October 31, 2001.

An Appeal from the Circuit Court for Miami-Dade County, Martin Kahn, Judge.

Bennett H. Brummer, Public Defender, and Bruce A. Rosenthal, Assistant Public Defender, for appellant.

Robert A. Butterworth, Attorney General, and Douglas J. Glaid, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and FLETCHER, and RAMIREZ, JJ.

PER CURIAM.

Travis Anton Snow appeals his conviction for second-degree murder. We affirm because the admission of testimony regarding bullet casings found at the scene two years after the murder was harmless and the prosecutorial comments were insufficient to deny

Snow a fair trial. In this case, there was no testimony about the caliber of the gun used to commit the murder, the defense's objection was sustained, and the bullet casings were never mentioned again. See State v. DiGuilio, 491 So. 2d 1129, 1139 (Fla. 1986) (error is harmless where there is no possibility that it affected the verdict).

The prosecutor's comment during closing argument that guns of the same caliber cannot be distinguished by sound does not warrant a new trial. See Lopez v. State, 555 So. 2d 1298, 1299 (Fla. 3d DCA 1990) (comments did not deprive appellant of a fair trial nor materially contribute to his conviction).

Affirmed.