

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. 2002

DEDRICK ROBINSON,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-643
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 00-24335

Opinion filed December 26, 2002.

An Appeal from the Circuit Court for Miami-Dade County,
Daryl E. Trawick, Judge.

Bennett H. Brummer, Public Defender, and Robert Kalter,
Assistant Public Defender, for appellant.

Richard E. Doran, Attorney General, and Linda S. Katz,
Assistant Attorney General, for appellee.

Before LEVY, SHEVIN and RAMIREZ, JJ.

SHEVIN, Judge.

We reverse Dedrick T. Robinson's judgment of convictions
upon the holding that the trial court erroneously disallowed

defense counsel's peremptory challenge of prospective juror Mathews. The record demonstrates that defense counsel's reasons for the challenge were genuine. This court has held that "[t]here is nothing in [State v.] Neil, [457 So. 2d 481 (Fla. 1984),] or its progeny, that forbids choosing among available jurors, even for capricious reasons, so long as the reasons are not racially discriminatory. Peremptory challenges are still presumed to be exercised in a non-discriminatory manner." Davis v. State, 691 So. 2d 1180, 1182 (Fla. 3d DCA 1997). Although the strike in this case was questioned as being gender-discriminatory, this statement applies with the same force. Being the victim of a crime is a recognized neutral reason for striking a potential juror, Anderson v. State, 750 So. 2d 741 (Fla. 3d DCA 2000), and so is striking a potential juror who's relative has been arrested or charged with a crime. See Allen v. State, 643 So. 2d 87 (Fla. 3d DCA 1994). Therefore, the court erred in denying the strike; a new trial is required.

Reversed and remanded.