

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM A.D., 2004

MICHAEL CAJUSTE,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

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\*\* CASE NO. 3D02-3081

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\*\* LOWER

TRIBUNAL NO. 00-16848B

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Opinion filed June 9, 2004.

An Appeal from the Circuit Court for Miami-Dade County,  
Jose Rodriguez, Judge.

Bennett H. Brummer, Public Defender, and Andrew M.  
Teschner, Special Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Consuelo  
Maingot, Assistant Attorney General, and Adrienne Sampson,  
Certified Legal Intern, for appellee.

Before COPE, FLETCHER and RAMIREZ, JJ.

PER CURIAM.

Michael Cajuste appeals his convictions for first degree  
murder, attempted murder, and attempted armed robbery.

We conclude that the trial court's rulings on voir dire questions were within the court's discretion, as was the court's refusal to grant additional peremptory challenges. See Hooper v. State, 476 So. 2d 1253, 1256 (Fla. 1985); Parker v. State, 456 So. 2d 436, 442 (Fla. 1984).

We conclude that there was no impermissible shifting of the burden of proof. See Caballero v. State, 851 So. 2d 655, 660 (Fla. 203); Evans v. State, 838 So. 2d 1090, 1094-95 (Fla. 2002) cert. denied, 124 S.Ct. 121 (2003). The evidentiary rulings were within the court's discretion. To the extent it could be said that the prosecutor argued that defendant-appellant Cajuste was fleeing from the scene of the crime, this was a fair comment on the evidence and was not objected to at trial.

Affirmed.