

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. 2003

ANTHONY STOKES,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-974
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 01-24781

Opinion filed May 12, 2004.

An Appeal from the Circuit Court for Dade County, Bertila Soto, Judge.

Bennett H. Brummer, Public Defender and Manuel Alvarez, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General and Fredericka Sands, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and SHEVIN and WELLS, JJ.

PER CURIAM.

Affirmed. See *Smithers v. State*, 826 So. 2d 916, 930 (Fla. 2002) ("A ruling on a motion for a mistrial is within the sound discretion of the trial court and should be 'granted only when it is necessary to ensure that the defendant receives a fair trial.' *Gore v. State*, 784 So. 2d 418, 427 (Fla. 2001)."), cert. denied, 537 U.S. 1203, 123 S.Ct. 1275, 154 L.Ed.2d 1045 (2003).