

IN THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY,
FLORIDA

STUART A. TURNER,
Appellant,

APPELLATE DIVISION (CRIMINAL)
CASE NO. 05-61AC A02

vs.

STATE OF FLORIDA,
Appellee.

Amended Opinion filed:

Appeal from County Court, in and for Palm Beach County,
Barry Cohen, Judge.

For Appellant, David John McPherrin, Esq., Assistant Public Defender

For Appellee, Michelle Zieba, Esq., Assistant State Attorney

PER CURIAM.

A trial court is given broad discretion when making a determination as to whether to admit or exclude evidence, and that decision will not be overturned absent a showing of abuse of discretion. Traina v. State, 657 So. 2d 1227 (Fla. 4th DCA 1995). A review of the record on appeal shows that the trial court did not abuse its discretion by excluding evidence that the victim of the battery and a witness to the battery were seen talking and laughing in the hallway of the courthouse during the trial. This evidence was irrelevant as it occurred several months after the battery took place. See Mariano v. State, 2006 WL 1476171 (Fla. 4th DCA 2006)¹; see also Dupont v. State, 556 So. 2d 457, 458 (Fla. 4th DCA 1990). Accordingly, the trial court's decision is affirmed.

LABARGA, RAPP, and BROWN, JJ., concur.

¹ Not final until disposition of timely filed motion for rehearing.

FILED
2006 JUN 30 PM 4:36
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CRIMINAL