

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE COUNTY, FLORIDA

CASE NO: 2008-AP-45  
Lower Court Case No: 2008-MM-7610

**JOSE DESRAVINES,**

Appellant,  
vs.

**STATE OF FLORIDA,**

Appellee.  
\_\_\_\_\_ /

Appeal from the County Court,  
for Orange County, Florida,  
Martha C. Adams, County Court Judge

Robert Sauerheber, Esq.,  
for Appellant

No Appearance for Appellee

Before POWELL, O'KANE, and MCDONALD, J.J.

**PER CURIAM.**

**FINAL ORDER AFFIRMING TRIAL COURT**

Jose Desravines (Appellant) appeals his conviction for Petit Theft of \$100 or More. The State Attorney has not appeared and has not filed an answer brief on behalf of Appellee the State of Florida. We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320, and affirm.

Appellant failed to preserve the argument raised in both Points I and III of his brief. The argument in Points I and III of his brief is that the State failed to introduce in evidence the two boxes of cologne or a photograph of them. However, that was not the ground of his motions for

judgment of acquittal. The only ground of that motion was that there was legally insufficient evidence of the value of those two items. Cf. *G.E.G. v. State*, 417 So. 2d 975 (Fla. 1982); *McHolder v. State*, 917 So. 2d 1043 (Fla. 5th DCA 2006).

Appellant's argument in Point II of his brief that the trial court erred in refusing to allow him to reopen his case to introduce testimony as to how badly he was treated by the trial judge, the prosecutor, the officers and the store personnel is wholly without merit.

**AFFIRMED.**

**DONE AND ORDERED** at Orlando, Florida this 30th day of September, 2011.

/S/  
**ROM W. POWELL**  
Senior Judge

/S/  
**JULIE H. O'KANE**  
Circuit Judge

/S/  
**ROGER J. MCDONALD**  
Circuit Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing order was furnished to **Robert Sauerheber, P.A.**, P.O. Box 1944, Orlando, Florida 32802-1944; **Lawson Lamar, State Attorney**, 415 N. Orange Avenue, Ste. 200, Orlando, Florida 32802-1673; and **Honorable Martha C. Adams**, 425 N. Orange Avenue, Orlando, Florida 32801, this 30th day of September, 2011.

/S/  
Judicial Assistant