

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

CASE NO: 2010-AP-39
Lower Court Case No: 2010-MM-2780

LARSHAVIA LOCKHART,

Appellant,
vs.

STATE OF FLORIDA,

Appellee.
_____ /

Appeal from the County Court,
for Orange County, Florida,
Leon B. Cheek, III, County Court Judge

Robert Wesley, Public Defender and
Kimberly M. DeVries, Assistant Public Defender,
for Appellant

Lawson Lamar, State Attorney and
David H. Margolis, Assistant State Attorney,
for Appellee

Before POWELL, S. KEST, and MUNYON, J.J.

PER CURIAM.

FINAL ORDER AFFIRMING TRIAL COURT

Appellant Larshavia Lockhart appeals her conviction for Trespass and Resisting Officer Without Violence after jury trial. We have carefully reviewed the briefs, the trial transcript, the record and the applicable law. We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320, and affirm.

As to Appellant's first argument, we conclude that the trial court did not abuse its discretion in denying her motion for mistrial. It was correct in finding that the State's failure to

disclose a three line written statement of the witness Smith was inadvertent, and that any prejudice would be cured by recalling Smith for further cross-examination with the statement after allowing counsel all the time she needed to examine it and discuss it with Appellant, to which counsel stated she had no objections and cross-examined Smith using the statement.

As to Appellant’s second argument, we conclude that the trial judge did not depart from his role as a neutral arbiter. When the prosecutor objected to a “Golden Rule” comment Appellant’s counsel made in closing argument, he excused the jury and withheld ruling but cautioned counsel. Then, when counsel repeated the very same comment again, he simply stated “Objection sustained. Let’s make the correct argument to the jury, please,” and nothing more.

AFFIRMED.

DONE AND ORDERED at Orlando, Florida this 15th day of January, 2013.

/S/
ROM W. POWELL
Senior Judge

/S/
SALLY D.M. KEST
Circuit Judge

/S/
LISA T. MUNYON
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing order was furnished to **Kimberly M. DeVries, Assistant Public Defender**, 435 N. Orange Avenue, Ste. 400, Orlando, Florida 32801; **Dugald McMillan, Assistant State Attorney**, 415 N. Orange Avenue, Ste. 200, Orlando, Florida 32802-1673, this 15th day of January, 2013.

/S/
Judicial Assistant