

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2008

MACK E. RICHIE,

Appellant,

v.

Case No. 5D07-4368

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 8, 2008

Appeal from the Circuit Court
for Volusia County,
C. McFerrin Smith, III, Judge.

James S. Purdy, Public Defender, and
Nancy Ryan, Assistant Public Defender,
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Douglas T. Squire,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

In view of the facts presented to us, we find no abuse of discretion in the trial court's refusal to appoint an expert witness for the appellant. See *Lavender v. State*, 889 So. 2d 882, 884 (Fla. 5th DCA 2004). Moreover, the issues raised by the appellant were addressed in detail in *People v. Hardacre*, 90 Cal. App. 4th 1392 (2001). The California civil commitment statute dealing with sexual predators is quite similar to the

statute governing annual reviews in effect in Florida.¹ As we agree with the reasoning of the California court in *Hardacre*, we apply it in the instant case and affirm.

AFFIRMED.

GRIFFIN, ORFINGER and MONACO, JJ., concur.

¹ Fla. Stat. § 394.918 (2007).