

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

JANUARY TERM 2010

NIVARDO LEON NUNEZ,

Appellant,

v.

Case No. 5D09-834

STATE OF FLORIDA,

Appellee.

/

Opinion filed February 19, 2010

Appeal from the Circuit Court  
for Orange County,  
Walter Komanski, Judge.

James S. Purdy, Public Defender, and  
Robert Wildridge, Assistant Public  
Defender, Daytona Beach, for Appellant.

Nivardo L. Nunez, Perry, pro se.

Bill McCollum, Attorney General,  
Tallahassee, and Rebecca Roark Wall,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

We affirm the appellant's judgment and sentence. The prosecutor's isolated statement concerning the law, which was arguably a misstatement, followed by the trial court's proper instructions to the jury with respect to the law does not constitute grounds for reversal. See *Lugo v. State*, 845 So. 2d 74, 108-109 (Fla.), cert. denied, 540 U.S.

920 (2003); *Cabrera v. State*, 490 So. 2d 200 (Fla. 3d DCA 1986); see also *Fennie v. State*, 855 So. 2d 597, 609 (Fla. 2003), cert denied, 541 U.S. 975 (2004).

AFFIRMED.

MONACO, C.J., GRIFFIN and PALMER, JJ., concur.