

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

JANUARY TERM 2011

WILLIAM CLAIRVIN,

Appellant,

v.

Case No. 5D10-725

STATE OF FLORIDA,

Appellee.

/

Opinion filed February 4, 2011

Appeal from the Circuit Court  
for Brevard County,  
Robert T. Burger, Judge.

James S. Purdy, Public Defender,  
and Rebecca M. Becker, Assistant  
Public Defender, Daytona Beach, for  
Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Robin A. Compton,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See *Morton v. State*, 689 So. 2d 259, 264 (Fla. 1997), receded from  
*in part on other grounds*, *Rodriguez v. State*, 753 So. 2d 29, 47 (Fla. 2000) (where  
witness gives both favorable and unfavorable testimony, party calling witness should  
usually be permitted to impeach witness with prior inconsistent statement; statement  
should be truly inconsistent and caution should be exercised in permitting impeachment

of witness who has given favorable testimony but simply fails to recall every detail unless witness appears to be fabricating).

MONACO, C.J., EVANDER and JACOBUS, JJ., concur.