

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.

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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.