

# Third District Court of Appeal

State of Florida, January Term, A.D. 2010

Opinion filed May 19, 2010.

Not final until disposition of timely filed motion for rehearing.

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No. 3D08-1584

Lower Tribunal No. 05-39755

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**Eduardo Gonzalez,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Ellen L. Leesfield, Judge.

Carlos J. Martinez, Public Defender, and Leslie Scalley, Special Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Heidi Milan Caballero, Assistant Attorney General, for appellee.

Before WELLS, SHEPHERD, and SALTER, JJ.

PER CURIAM.

The defendant appeals convictions for sexual battery on a child below the

age of twelve and lewd and lascivious molestation of a child below the age of twelve. Finding no error in the issues raised on appeal, we affirm.

There is no merit to the defendant's first issue that several of the prosecutor's closing comments violated the defendant's right to a fair trial. None of the comments were outside the bounds of proper closing arguments. Rudolph v. State, 832 So. 2d 826, 828-29 (Fla. 3d DCA 2002); Bell v. State, 35 Fla. L. Weekly D691 (Fla. 1st DCA Mar. 25, 2010). See Johnson v. State, 858 So. 2d 1274 (Fla. 3d DCA 2003). Neither is there any error in the admission of the child's hearsay statements. The trial court properly conducted a hearing and its findings complied with all the requirements of section 90.803(23), Florida Statutes (2005).

Therefore, the convictions are affirmed.