

Third District Court of Appeal

State of Florida, January Term, A.D. 2013

Opinion filed June 19, 2013.

Not final until disposition of timely filed motion for rehearing.

No. 3D12-751

Lower Tribunal No. 08-43298

Dedan Fagins,

Appellant,

vs.

The State of Florida,

Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Rosa I. Rodriguez, Judge.

Carlos J. Martinez, Public Defender, and Robert Kalter, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Jill D. Kramer, Assistant Attorney General, for appellee.

Before SUAREZ, ROTHENBERG and SALTER, JJ.

SUAREZ, J.

We find no fundamental error and therefore affirm the judgment and sentence. However, we note that comments on the credibility of counsel, such as

those at issue in this case, are recurring in closing arguments at an alarming rate. We caution counsel for both the prosecution and defense to uphold their professional and ethical obligations and to be mindful of the line clearly established by the courts of this State. See, e.g., Jackson v. State, 421 So. 2d 15 (Fla. 3d DCA 1982); Del Rio v. State, 732 So. 2d 1100 (Fla. 3d DCA 1999). We also entreat the trial courts to be mindful of such misconduct and to respond accordingly with appropriate curative instructions and firm admonishment of counsel.

Affirmed.