

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 2003

CLIFTON DEON SHEPPARD,

\*\*

Appellant,

\*\*

CASE NO. 3D00-1658

\*\*

vs.

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THE STATE OF FLORIDA,

\*\*

LOWER TRIBUNAL  
CASE NO. 97-29169

Appellee.

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Opinion filed January 15, 2003.

An Appeal from the Circuit Court of Miami-Dade County, Peter R. Lopez, Judge.

Bennett H. Brummer, Public Defender, and Andrew Stanton, Assistant Public Defender, for appellant.

Charlie Crist, Attorney General, and Frank J. Ingrassia, Assistant Attorney General, for appellee.

Before GERSTEN, GODERICH, and FLETCHER, JJ.

PER CURIAM.

Clifton Deon Sheppard appeals from final judgments of

conviction and entry of sentences. We affirm.

Although we deplore the prosecutorial misconduct evident in this case,<sup>1</sup> the defendant elected to make no contemporaneous objections. The unobjected-to comments complained of do not rise to the level of fundamental error; they did not destroy the essential fairness of the trial. See Rogers v. State, 783 So. 2d 980, 1002 (Fla. 2001); Kilgore v. State, 688 So. 2d 895, 898 (Fla. 1996); Scoggins v. State, 691 So. 2d 1185, 1189 (Fla. 4th DCA 1997)("Fundamental error has been defined as one that goes to the essence of a fair and impartial trial, error so fundamentally unfair as to amount to a denial of due process.").

Affirmed.

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See Guerra v. State, 813 So. 2d 112 (Fla. 3d DCA 2002); Rodriguez v. State, 794 So. 2d 711 (Fla. 3d DCA 2001)(Ramirez, J., concurring).