

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

LATRIS S. STANLEY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

_____ /

Appeal from the County Court
for Orange County, Florida
Kenneth A. Barlow, Jr., County Court Judge

Robert Wesley, Public Defender
and Molina Arena-Randall, Assistant Public Defender
for Appellant

Lawson Lamar, State Attorney,
and Dugald McMillan, Assistant State Attorney
for Appellee

Before POWELL, MUNYON, DAVIS, J.J.

PER CURIAM.

FINAL ORDER AFFIRMING TRIAL COURT

Appellant Latris Stanley appeals her convictions for Simple Battery and Disorderly Conduct after a jury trial. She makes two arguments in this appeal: (1) that the trial court erred in excluding evidence of the victim's violent reputation and prior specific acts of violence committed by the victim, and (2) that the trial court erred in limiting Appellant's testimony regarding a prior recent altercation with the victim. She contends this evidence was admissible to support her defense of self-defense.

To preserve an issue for appeal, the party seeking to admit the evidence must first make an offer of proof to the trial court specifically setting forth the contents of the excluded evidence.

This is because an appellate court will not speculate about its admissibility or what effect the excluded evidence would have had on the result. *See Baker v. State*, 71 So. 3d 802 (Fla. 2011).

After the State had rested its case in chief, and Appellant had called one witness in her case, her counsel at a recess raised the two issues by way of a procedure which, for want of a better term, we will call an “in-trial reverse motion in limine.” Thus it was her obligation to first make a legally sufficient offer of proof out of the presence of the jury. This could have been done either by calling the witness to the stand and asking questions, or by counsel making a verbal statement on the record stating who the witness or witnesses would be and specifically what their testimony would be, or by filing a written statement to that effect. Appellant’s counsel did none of these things, nor was the excluded evidence apparent from the context of the record.

Consequently, Appellant’s convictions are **AFFIRMED**.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 13th day of January, 2014.

/S/ _____
ROM W. POWELL
Presiding Senior Judge

MUNYON and DAVIS, J.J., concur.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order was furnished on this 13th day of January, 2014, to the following by U.S. mail/ email: **Molina Arena-Randall, Assistant Public Defender**, marena-randall@circuit9.org, 435 N. Orange Avenue, Ste. 400, Orlando, Florida 3280; **Dugald McMillan, Assistant State Attorney**, dmcmillan@sao9.org, 415 N. Orange Ave., Orlando, Florida 32801; **Honorable Kenneth A. Barlow, Jr.**, 425 N. Orange Ave., Orlando, Florida 32801.

/S/ _____
Judicial Assistant