

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2006

JERRY BARR,

Appellant,

v.

Case No. 5D05-1675

STATE OF FLORIDA,

Appellee.

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Opinion filed May 19, 2006.

Appeal from the Circuit Court
for Orange County,
Daniel P. Dawson, Judge.

James S. Purdy, Public Defender,
and Marvin F. Clegg, Assistant Public
Defender, Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Rebecca Roark Wall,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

See Busby v. State, 894 So. 2d 88, 95 (Fla. 2004) (stating "[i]t is within a trial court's province to determine whether a challenge for cause is proper, and a trial court's determination of juror competency will not be overturned absent manifest error") (quoting Fernandez v. State, 730 So. 2d 277, 281 (Fla. 1999)); Johnson v. State, 660 So. 2d 637, 644 (Fla. 1995) (stating "[o]n this question [determining juror competency],

the trial court is in the best position to observe the attitude and demeanor of the juror and to gauge the quality of the juror's responses. If there is competent record support for the trial court's conclusions regarding rehabilitation, the appellate courts of this state will not reverse the determination on appeal based on a cold record").

AFFIRMED.

GRIFFIN, THOMPSON and ORFINGER, JJ., concur.