

377 So.2d 1013
(Cite as: 377 So.2d 1013)

District Court of Appeal of Florida, Third District.
 James FRYC, Appellant,
 v.
 The STATE of Florida, Appellee.
No. 79-935.

Dec. 18, 1979.

Defendant was convicted in the Circuit Court, Monroe County, Bill G. Chappell, J., of possession of a controlled substance. Defendant appealed. The District Court of Appeal held that where a confidential informant was not mentioned by the State or defense in testimony at trial, it did not appear that the name was material to any defense raised by motion or at trial, and denial of a motion to compel the State to provide name and address of the confidential informant was not error.

Affirmed.

West Headnotes

[1] Criminal Law 110  **627.10(2.1)**

110 Criminal Law

110XX Trial

110XX(A) Preliminary Proceedings

110k627.10 Informers or Agents, Disclosure

110k627.10(2) Particular Cases

110k627.10(2.1) k. In General. **Most**

Cited Cases

(Formerly 110k627.10(2))

Where confidential informant was not mentioned by State or defense in testimony at trial, it did not appear that name was material to any defense raised by motion or at trial, and denial of motion to compel State to provide name and address of confidential informant was not error.

[2] Controlled Substances 96H  **93**

96H Controlled Substances

96HIII Prosecutions

96Hk91 Questions for Jury

96Hk93 k. Possessory Offenses. **Most Cited**

Cases

(Formerly 138k126 Drugs and Narcotics)
 Defendant's denial of knowledge of controlled substance did not preclude a jury finding that he was guilty of possession.
***1013** Cates, Winter & Zuelch, Key West, for appellant.

Jim Smith, Atty. Gen., Paul Mendelson, Asst. Atty. Gen., and Clifford Miller, Legal Intern, for appellee.

Before HAVERFIELD, C. J., and PEARSON and HENDRY, JJ.

PER CURIAM.

Defendant was found guilty of the possession of a controlled substance. At the time of the alleged incident, the defendant was a prisoner in the Monroe County Jail. Two points are argued on this appeal: (1) that the court erred in denying defendant's motion to compel the State to provide him with the name and address of the confidential informant; and (2) that the court erred in denying defendant's motion for a judgment of acquittal.

[1] The first point does not present error on this record because it does not appear that the name of the confidential informant was material to any defense raised by motion or at trial. The confidential informant was not mentioned by the State or the defense in the testimony at trial. See the principles of law discussed in [State v. Hassberger, 350 So.2d 1 \(Fla.1977\)](#).

[2] There is evidence upon which the jury could find the defendant guilty despite his denial of knowledge of the controlled substance. See [Heineman v. State, 327 So.2d 898 \(Fla. 3d DCA 1976\)](#).

Affirmed.

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