

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

JANUARY TERM 2011

LAURENT DORIVERT,

Appellant,

v.

CASE NO. 5D09-1906

STATE OF FLORIDA,

Appellee.

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Opinion filed April 29, 2011

Appeal from the Circuit Court
for Orange County,
Mark Lubet, Judge.

James S. Purdy, Public Defender, and
Ailene S. Rogers, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Bonnie Jean Parrish,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Laurent Dorivert timely appeals a jury verdict convicting him of the first-degree murder of his wife, Marie Dorivert. He contends that the trial court erred in denying his motion for judgment of acquittal in this circumstantial evidence case. We have carefully considered the evidence presented at trial in light of the standard applicable in circumstantial evidence cases. *See, e.g., McArthur v. State*, 351 So. 2d 972, 976 (Fla. 1977). More specifically, we find that the eye witness testimony placing Dorivert at the

scene of the murder in the narrow time frame during which the murder occurred, along with the blood and DNA evidence linking Dorivert to the murder scene were sufficient to rebut Dorivert's proffered hypothesis of innocence -- that he was running errands and nowhere near the crime scene during or after the murder, so that someone else must have committed the crime.

AFFIRMED.

TORPY, LAWSON, and COHEN, JJ., concur.