

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Raul L. Zapata v. State of Florida

No. 3D24-2163 · No. No. 3D24-2163 · Decided March 18, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed Raul L. Zapata’s conviction for lewd and lascivious conduct on a child under sixteen. The court held that the trial court did not abuse its discretion by limiting defense counsel’s voir dire question concerning whether a child might fabricate allegations to influence custody, because counsel had already extensively explored whether jurors could fairly consider that defense theory.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	LOGUE, J.; MILLER, J.; GOODEN, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	March 18, 2026
DOCKET	No. 3D24-2163
DISPOSITION	affirmed
PROCEDURAL POSTURE	Zapata appealed a final judgment of conviction and sentence entered after a jury trial, arguing that the trial court improperly restricted defense counsel's questioning of prospective jurors during voir dire.
STANDARD OF REVIEW	The trial court's decision to limit voir dire questioning is reviewed for abuse of discretion; the ruling will not be disturbed unless the trial court clearly abused its discretion.
PRECEDENTIAL VALUE	Published
PARTIES	Raul L. Zapata v. State of Florida

TOPICS

- jury selection
- criminal procedure
- appellate procedure
- standard of review
- harmless error

PRACTICE AREAS

- criminal procedure
- appellate procedure
- jury selection

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by restricting defense counsel's voir dire question concerning whether a child could fabricate sexual-abuse allegations as a means of influencing custody.
2. Whether the restriction prevented defense counsel from determining whether prospective jurors could fairly and impartially consider the defense theory that the child witness had lied.

HOLDINGS

1. The trial court did not abuse its discretion in sustaining the objection to the proposed question because defense counsel had already been given ample opportunity to question prospective jurors about whether a child could lie, whether a motive to lie was required, and whether jurors could fairly consider that defense theory.
2. Any error in restricting the question was harmless beyond a reasonable doubt and did not warrant reversal.

KEY QUOTATIONS

“The purpose of voir dire is to “obtain a fair and impartial jury, whose minds are free of all interest, bias, or prejudice.”” (at 3)

“Ultimately, the scope of voir dire questioning rests in the sound discretion of the trial court, and we will not disturb the trial court's ruling unless the court clearly abused its discretion.” (at 3)

FACTUAL BACKGROUND

The prosecution arose from two incidents reported by J.E., a minor who alleged that Zapata, her mother's boyfriend, sexually abused her. Zapata's defense was that J.E. fabricated the allegations to have custody removed from her mother. During voir dire, defense counsel questioned prospective jurors extensively about whether a child could lie, whether a motive to lie was required, and how jurors would evaluate a child's credibility. The trial court sustained the State's objection to a final question asking whether jurors were open to the possibility that a child could fabricate serious allegations to control custody.

PROCEDURAL HISTORY

Zapata was charged by amended information with two counts of lewd and lascivious molestation of a child under sixteen. After voir dire, the trial court sustained the State's objection to a final defense question concerning whether a child could fabricate allegations to affect custody. The jury convicted Zapata on one count of lewd and lascivious conduct on a child under sixteen, and the Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Hoskins v. State, 965 So. 2d 1, 13 (Fla. 2007)

- Jones v. State, 216 So. 3d 742, 743 (Fla. 4th DCA 2017)
- Pope v. State, 94 So. 865, 869 (Fla. 1922)
- Hillsman v. State, 159 So. 3d 415, 419 (Fla. 4th DCA 2015)
- Campbell v. State, 812 So. 2d 540, 542 (Fla. 4th DCA 2002)
- Walker v. State, 724 So. 2d 1232, 1233 (Fla. 4th DCA 1999)
- Ferreiro v. State, 936 So. 2d 1140, 1142-43 (Fla. 3d DCA 2006)
- Blevins v. State, 766 So. 2d 401 (Fla. 2d DCA 2000)

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