

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

JULY TERM 2005

R.R.K., A CHILD,

Appellant,

v.

Case No. 5D04-1437

STATE OF FLORIDA,

Appellee.

Opinion filed July 29, 2005

Appeal from the Circuit Court
for Marion County,
Carven D. Angel, Judge.

James S. Purdy, Public Defender, and
Rose M. Levering, Assistant Public
Defender, Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Belle B. Schumann,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM

AFFIRMED. See *S.S.M. v. State*, 898 So. 2d 84 (Fla. 5th DCA 2004).

PLEUS, C.J., and THOMPSON, J., concur.
SAWAYA, J., concurs and concurs specially, with opinion.

SAWAYA, J., concurring specially.

I reluctantly agree with the majority based on this court's opinion in S.S.M. v. State, 898 So. 2d 84 (Fla. 5th DCA 2004). However, I fully agree with Judge Sharp's specially concurring opinion in V.K.E. v. State, 30 Fla. L. Weekly D1351 (Fla. 5th DCA May 27, 2005), that our decision in S.S.M. was wrongly decided.