

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

JEFFREY PATE,

Appellant,

v.

JAMES V. CROSBY, JR.,  
Secretary, Department of Corrections,

Appellee.

---

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND  
DISPOSITION THEREOF IF FILED.

CASE NO. 1D03-4565

Opinion filed May 17, 2004.

An appeal from an order of the Circuit Court for Leon County.  
Charles A. Francis, Judge.

Jeffrey Pate, pro se, appellant.

Charlie Crist, Attorney General, and Joy A. Stubbs, Assistant Attorney General,  
Tallahassee, for appellee.

PER CURIAM.

The order of dismissal is reversed on the authority of Burgess v. Crosby, 29  
Fla. L. Weekly D718 (Fla. 1st DCA March 23, 2004). The case is remanded to the  
Circuit Court for Leon County for further proceedings.

REVERSED AND REMANDED.

BARFIELD, DAVIS and POLSTON, JJ., concur.