

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

JABARI STEPHENS,

Appellant,

v.

JAMES CROSBY, Secretary, Florida  
Department of Corrections,

Appellee.

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

CASE NO. 1D04-0969

Opinion filed July 30, 2004.

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

Jabari Stephens, 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, 870 So. 2d 217 (Fla. 1st DCA 2004). The case is remanded to the Circuit Court for Leon County for a decision on the merits.

WOLF, C.J., DAVIS and HAWKES, JJ., concur.