

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2004

C.E.M., a juvenile,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-3142
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 02-4210

Opinion filed January 21, 2004.

An Appeal from the Circuit Court for Dade County, Lester Langer, Judge.

Bennett H. Brummer, Public Defender and Billie Jan Goldstein, for appellant.

Charles J. Crist, Jr., Attorney General and Fredericka Sands, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and COPE and WELLS, JJ.

PER CURIAM.

Affirmed. See A.A. v. State, 461 So. 2d 165 (Fla. 3d DCA 1984).

COPE, J. (dissenting).

The State did not make out a proper case under A.A. v. State, 461 So. 2d 165 (Fla. 3d DCA 1984). I would reverse on authority of L.R. v. State, 557 So. 2d 121 (Fla. 3d DCA 1990), and Weaver v. State, 543 So. 2d 443 (Fla. 3d DCA 1989); see also State v. Pennington, 534 So. 2d 393, 395-96 (Fla. 1988).