

# Supreme Court of Florida

**ORIGINAL**

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No. 83,698

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RONALD PETIT,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[December 15, 1994]

PER CURIAM.

We have for review Petit v. State, 634 So. 2d 324 (Fla. 5th DCA 1994), which expressly relied upon a case pending review in this Court. B.H. v. State, 622 So. 2d 615 (Fla. 5th DCA 1993), approved in part, 19 Fla. L. Weekly S610 (Fla. Nov. 23, 1994). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.; see Jollie v. State, 405 So. 2d 418 (Fla. 1981). The opinion below is approved in light of our opinion in B.H.

It is so ordered.

GRIMES, C.J., OVERTON and WELLS, JJ., and McDONALD, Senior Justice, concur.

HARDING, J., concurs in part and dissents in part with an opinion, in which KOGAN, J., concurs.  
KOGAN, J., dissents with an opinion, in which SHAW, J., concurs.

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

HARDING, J., concurring in part and dissenting in part.

I concur in part and dissent in part for the reasons stated in my separate opinion to B.H., a child v. State, No. 82,361 (Fla. Oct. 21, 1994) (Harding, J., concurring in part, dissenting in part).

KOGAN, J., concurs.

KOGAN, J., dissenting.

I dissent for the reasons stated in my dissent to B.H.

SHAW, J., concurs.

Application for Review of the Decision of the District Court of  
Appeal - Direct Conflict of Decisions  
Fifth District - Case No. 93-247

(Volusia County)

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