

**SUPREME COURT OF FLORIDA**

**STATE OF FLORIDA, Petitioner, v. C.S., a child, Respondent.**

**No. 83,939**

**January 5, 1995, Decided**

**OPINION:**

PER CURIAM.

We have for review C.S. v. State, 638 So. 2d 212 (Fla. 2d DCA 1994), based on certified conflict with B.H. v. State, 622 So. 2d 615 (Fla. 5th DCA 1993), aff'd in part, 19 Fla. L. Weekly S610 (Fla. Nov. 23, 1994). We have jurisdiction, art. V, § 3(b)(4), Fla. Const., quash the decision below, and remand for reconsideration in light of 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.

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

**CONCURBY:** HARDING (In Part)

**DISSENTBY:** HARDING (In Part); KOGAN

**DISSENT:**

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. v. State, 19 Fla. L. Weekly S610 (Fla. Nov. 23, 1994) (Harding, J., concurring in part, dissenting in part).

KOGAN, J., dissenting.

I dissent for the reasons stated in my separate opinion in B.H., 19 Fla. L. Weekly S610 (Fla. Nov. 23, 1994)(Kogan, J., concurring in part, dissenting in part).

SHAW, J., concurs.

GRIMES, C.J., OVERTON and WELLS, JJ., and McDONALD, Senior Justice, concur. HARDING, J., concurs in part and dissents in part with an opinion. KOGAN, J., dissents with an opinion, in which SHAW, J., concurs.

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for Petitioner.

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