

Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed July 16, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-2088

Lower Tribunal No. 07-2597

B.S., a juvenile,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Douglas Chumbley, Judge.

Bennett H. Brummer, Public Defender, and Gwendolyn Powell Braswell, Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Angel L. Fleming, Assistant Attorney General, for appellee.

Before GERSTEN, C.J., and COPE, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

We find the determination of delinquency correct on its merits. See Melton v. State, 546 So. 2d 444 (Fla. 1st DCA 1989); State v. Woods, 624 So. 2d 739 (Fla.

5th DCA 1993), review denied, 634 So. 2d 629 (Fla. 1994). However, because the trial court erroneously denied the juvenile-appellant opening and concluding final arguments as required by Florida Rule of Juvenile Procedure 8.110(d), *D.B. v. State*, 979 So. 2d 1119 (Fla. 3d DCA 2008), the cause is remanded for further proceedings below consistent with D.B.

Remanded.