

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

HARRY MITCHELL,

Petitioner,

v.

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

CASE NO. 1D10-0851

STATE OF FLORIDA,

Respondent.

/

Opinion filed June 21, 2010.

Petition for Belated Appeal -- Original Jurisdiction.

Harry Mitchell, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

The petition seeking a belated appeal of the judgment and sentence rendered on or about April 16, 2009, in Gadsden County Circuit Court case number 2008-CF-000459A, is granted. Upon issuance of mandate, a copy of this opinion shall be furnished to the clerk of the lower tribunal for treatment as a notice of appeal in accordance with Florida Rule of Appellate Procedure 9.141(c)(5)(D). If petitioner qualifies for the appointment of counsel at public expense, the lower tribunal shall appoint counsel to represent him on appeal.

DAVIS, ROBERTS, and ROWE, JJ., CONCUR.