

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

DENNIS H. SMITH,

Petitioner,

v.

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

CASE NO. 1D10-1169

STATE OF FLORIDA,

Respondent.

Opinion filed June 21, 2010.

Petition for Belated Appeal -- Original Jurisdiction.

Dennis H. Smith, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

The petition seeking a belated appeal of the order denying defendant's motion for postconviction relief rendered September 24, 2009, and the order granting motion for rehearing but denying relief, rendered October 13, 2009, in Leon County Circuit Court case number 2004-CF-3214, is granted. Upon issuance of mandate in this cause, 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).

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