

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

RAPHAEL MARICE TINSLEY,

Petitioner,

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

v.

CASE NO. 1D10-2078

STATE OF FLORIDA,

Respondent.

Opinion filed July 20, 2010.

Petition for Belated Appeal -- Original Jurisdiction.

Raphael Marice Tinsley, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

Raphael Marice Tinsley seeks a belated appeal although, in fact, his petition raises two different claims. In the first, he contends that he timely asked his trial

counsel to appeal judgment and sentence. That claim is time-barred under Florida Rule of Appellate Procedure 9.141(c)(4)(A) and we deny it as such.

Petitioner also contends that one or more attorneys agreed to file a motion for postconviction relief on his behalf and their failure to do so caused him to miss the time limitations set forth in Florida Rule of Criminal Procedure 3.850(b). Petitioner's remedy regarding this claim is to file a motion for postconviction relief so stating in accordance with Florida Rule of Criminal Procedure 3.850(b)(3). The petition, to the extent it seeks such relief, is therefore dismissed without prejudice to Tinsley's right to file a motion in circuit court.

PETITION DENIED IN PART and DISMISSED IN PART.

WOLF, KAHN, and VAN NORTWICK, JJ., CONCUR.