

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2008

NELSON GONZALEZ,

Petitioner,

v.

Case No. 5D08-2731

STATE OF FLORIDA,

Respondent.

Opinion filed September 19, 2008

Petition for Belated Appeal,
A Case of Original Jurisdiction.

Nelson Gonzalez, Indiantown, for Petitioner.

No Appearance for Respondent.

PER CURIAM.

Nelson Gonzalez petitions for a writ of habeas corpus to allow a belated appeal. We deny the petition without prejudice because the petition's oath is deficient. An affirmation that the statements made in the petition are "true and correct to the best of my knowledge" is not an adequate oath. *Moore v. State*, 910 So. 2d 947 (Fla. 5th DCA 2005). Gonzalez shall have thirty (30) days in which to file a legally sufficient amended petition.

Petition for Writ of Habeas Corpus DENIED.

GRIFFIN, TORPY and EVANDER, JJ., concur.