

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

JANUARY TERM 2009

HORACE MCKELVIN, JR.,

Petitioner,

v.

Case No. 5D08-3472

STATE OF FLORIDA,

Respondent.

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Opinion filed January 30, 2009

Petition for Belated Appeal,  
A Case of Original Jurisdiction,

Horace McKelvin, Jr., Lake Butler, pro se.

Bill McCollum, Attorney General,  
Tallahassee and Wesley Heidt, Assistant  
Attorney General, Daytona Beach, for  
Respondent.

PER CURIAM.

The petition for belated appeal is granted. A copy of this opinion will be filed with the lower court and be treated as the notice of appeal from the judgment and sentence in Case No. 2006-CF-000139-A in the Circuit Court in and for Marion County. See Fla. R. App. P. 9.141(c)(5)(D).

PETITION GRANTED.

PALMER, C.J., ORFINGER and MONACO, JJ., concur.