

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

WAYMOND KIRKLAND,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-0003

Opinion filed April 27, 2005.

Petition for Belated Appeal -- Original Jurisdiction.

Nancy Daniels, Public Defender, and Judith Hall, Assistant Public Defender,
Tallahassee, for petitioner.

Charlie Crist, Attorney General, and A. Miréille Fall, Assistant Attorney General,
Tallahassee, for respondent.

PER CURIAM.

The petition for belated appeal is granted. Petitioner shall be allowed a belated appeal from the judgment and sentence rendered on November 3, 2004, in Gadsden County Circuit Court case number 03-723-CFA. Upon issuance of mandate in this cause, a copy of this opinion shall be provided to the clerk of the circuit court for

treatment as the notice of appeal. Fla. R. App. P. 9.141(c)(5)(D). If petitioner qualifies for appointed counsel, the trial court shall appoint counsel to represent petitioner on appeal.

PETITION GRANTED.

WOLF, C.J., DAVIS and PADOVANO, JJ., concur.