

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

OTIS L. SPURGEON,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-2729

Opinion filed September 19, 2005.

Petition for Belated Appeal -- Original Jurisdiction.

Kerry Adkison, Chipley, for petitioner.

Charlie Crist, Attorney General, and Anne C. Conley, Assistant Attorney General,
Tallahassee, for respondent.

PER CURIAM.

The petition seeking belated appeal is granted and Otis Spurgeon is hereby
afforded a belated appeal of the judgment and sentence in case number 04-237CF in
the Circuit Court for Washington County. Upon issuance of mandate in this cause,

a copy of this opinion will be provided to the clerk of the circuit court, with directions that it be treated as a notice of appeal. Fla. R. App. P. 9.141(c)(5)(D).

The circuit court is directed to appoint counsel to represent petitioner in the appeal if he qualifies for such an appointment.

PETITION GRANTED.

WOLF, HAWKES and THOMAS, JJ., concur.