

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

WALTER M. MARTINEZ,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D06-2597

Opinion filed September 20, 2006.

Petition for Belated Appeal -- Original Jurisdiction.

Walter M. Martinez, pro se, Petitioner.

Charlie Crist, Attorney General, and Judy Bone, Assistant Attorney General,  
Tallahassee, for Respondent.

PER CURIAM.

Petitioner's appeal of an order denying his motion for postconviction relief was dismissed for failure of counsel to file a docketing statement. We grant the instant petition for belated appeal and hereby reinstate the appeal in case number 1D04-2825. Jurisdiction in that proceeding is relinquished to the trial court for a period of 30 days with directions to consider the appointment of the Public Defender if petitioner so qualifies.

ALLEN, WEBSTER, and DAVIS, JJ., CONCUR.