

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

ELMER MOORE,  
Petitioner,

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

v.

CASE NO. 1D09-1400

STATE OF FLORIDA,  
Respondent.

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Opinion filed August 21, 2009.

Petition for Belated Appeal -- Original Jurisdiction.

Elmer Moore, pro se, Petitioner.

Bill McCollum, Attorney General, and Heather Flanagan Ross, Assistant Attorney  
General, Tallahassee, for Respondent.

PER CURIAM.

The petition for belated appeal is denied. However, the correspondence  
filed in this court on December 29, 2008, in case number 1D08-0654 shall be  
treated as a timely notice of appeal to review the December 2, 2008, circuit court  
order denying defendant's motion for postconviction relief in Duval County circuit  
Court case number 16-2006-CF-0786-AXXX.

ALLEN, DAVIS, and PADOVANO, JJ., CONCUR.