

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

KENNETH McFATTEN,

Petitioner,

v.

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

CASE NO. 1D09-1794

STATE OF FLORIDA,

Respondent.

Opinion filed July 24, 2009.

Petition Seeking Belated Appeal -- Original Jurisdiction.

Kenneth McFatten, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

The petition is granted and Kenneth McFatten is hereby afforded a belated appeal of the judgment and sentence entered after the finding of violation of

probation in Suwannee County Circuit Court case number 06-173CF. Upon issuance of mandate in this cause, a copy of the opinion will be provided to the clerk of the circuit court who shall treat it as a notice of appeal. Fla. R. App. P. 9.141(c)(5)(D). Counsel shall be appointed for the appeal if petitioner qualifies for such an appointment.

PETITION GRANTED.

DAVIS, BROWNING, and THOMAS, JJ., CONCUR.