

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

MARVIN NATION,

Petitioner,

v.

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

CASE NO. 1D09-2015

STATE OF FLORIDA,

Respondent.

Opinion filed July 29, 2009.

Petition for Belated Appeal -- Original Jurisdiction.

Marvin Nation, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

This timely sworn petition seeks belated appeal of a judgment and sentence rendered on February 12, 2009. This court relinquished jurisdiction to the circuit

court to conduct proceedings and issue a written report and recommendation concerning petitioner's entitlement to belated appeal pursuant to Staley v. State, 34 Fla. L. Weekly D874 (Fla. 1st DCA April 30, 2009).

The Special Master's report reflects that petitioner wrote a letter to the clerk of the circuit court wherein he stated that he had asked his trial counsel to file an appeal. This letter was filed in the circuit court on February 13, 2009, which would be timely to invoke petitioner's right to appeal the judgment and sentence. Fla. R. App. P. 9.110(d). Accordingly, the clerk of the circuit court is directed to certify the correspondence filed by petitioner on February 13, 2009, as a timely notice of appeal to review the judgment and sentence rendered on February 12, 2009, in Okaloosa County Circuit Court case number 2008-CF-2028-C. The notice of appeal shall be certified and transmitted to this court. Fla. R. App. P. 9.040(g).

The petition for belated appeal is denied as moot.

WOLF, WEBSTER, and CLARK, JJ., CONCUR.