

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

LARRY M. BANKS,

Petitioner,

v.

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

CASE NO. 1D09-3605

STATE OF FLORIDA,

Respondent.

Opinion filed December 8, 2009.

Petition Alleging Effective Assistance of Appellate Counsel -- Original
Jurisdiction.

Larry M. Banks, pro se, Petitioner.

Bill McCollum, Attorney General, and Ian M. Cotner, Assistant Attorney General,
Tallahassee, for Respondent.

PER CURIAM.

The petition seeking belated appeal is sua sponte treated as one alleging
ineffective assistance of appellate counsel, and is granted. Appellate counsel was

ineffective in failing to respond to orders of this court and permitting the appeal from judgment and sentence in case number 1D08-3029 to be dismissed. Upon issuance of mandate in this cause, copies of the opinion shall be filed in that appeal and with the clerk of the circuit court. The appeal will be reinstated by separate order. The trial court is directed to appoint competent counsel to represent petitioner in that appeal if he qualifies for such an appointment.

KAHN, LEWIS, and WETHERELL, JJ., CONCUR.