

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

MICHAEL WAYNE SMELLEY,
Petitioner,

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

v.

CASE NO. 1D09-4669

STATE OF FLORIDA,
Respondent.

_____ /

Opinion filed December 8, 2009.

Petition Seeking Belated Appeal -- Original Jurisdiction.

Michael Wayne Smelley, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

The petition is granted and Michael Wayne Smelley is hereby afforded a belated appeal from judgment and sentence in case number 2007-CF-2753-C in the Circuit Court for Okaloosa County. Upon issuance of mandate in this cause, a copy of this opinion will be provided to the clerk of the circuit court for treatment as a notice of appeal. Fla. R. App. P. 9.141(c)(5)(D).

The trial court shall appoint counsel to represent petitioner in his appeal if he qualifies for such an appointment.

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