

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

ANTWAN JOVON JACKSON,

Petitioner,

v.

Case No. 5D20-2487

STATE OF FLORIDA,

Respondent.

Opinion filed January 22, 2021

Petition for Belated Appeal
A Case of Original Jurisdiction.

Antwan Jovon Jackson, Clermont, pro se.

Ashley Moody, Attorney General,
Tallahassee and Richard A. Pallas, Jr.,
Assistant Attorney General, Daytona
Beach, for Respondent.

PER CURIAM.

Antwan Jackson seeks a belated appeal from an order denying his motion for postconviction relief. Florida Rule of Criminal Procedure 3.850(k) requires that “[a]ll final orders denying motions for postconviction relief shall include a statement that the defendant has the right to appeal within 30 days of the rendition of the order.” This order failed to comply with that rule. “[F]ailure to comply with the notification requirement . . . entitles [a] petitioner to a belated appeal.” Vlacos v. State, 730 So. 2d 864, 864 (Fla. 1st DCA 1999) (citations omitted). As a result, the petition for belated appeal is granted. A

copy of this opinion shall be filed with the trial court and be treated as the notice of appeal from the March 4, 2020 Order Denying Motion for Postconviction Relief rendered in Case No. 2006-CF-4073, in the Circuit Court in and for Orange County, Florida. See Fla. R. App. P. 9.141(c)(6)(D).¹

PETITION GRANTED.

COHEN, EISNAUGLE AND SASSO, JJ., concur.

¹ We express no opinion as to the merits of the appeal.