

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

JANUARY TERM 2004

WILLIE CHARLES GRANT, JR.,

Petitioner,

v.

CASE NO. 5D04-1628

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed June 25, 2004.

Petition for Belated Appeal
A Case of Original Jurisdiction.

Willie Charles Grant, Jr., Raiford, pro se.

No Appearance for Respondent.

PER CURIAM.

The petition for belated appeal is facially insufficient because it was not made under oath. Fla. R. App. P. 9.141(c)(3)(F). Therefore, the petition is denied without prejudice for the petitioner to refile a proper sworn petition. Riley v. State, 866 So. 2d 779 (Fla. 5th DCA 2004); Ezell v. State, 778 So. 2d 1071 (Fla. 5th DCA 2001); Harris v. State, 769 So. 2d 529 (Fla. 5th DCA 2000).

PETITION DENIED WITHOUT PREJUDICE.

SAWAYA, C.J., SHARP, W., and THOMPSON, JJ., concur.