

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

JULY TERM 2004

ALLAN L. WILLIAMS,

Petitioner,

v.

CASE NO. 5D04-3667

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed December 30, 2004.

Petition for Belated Appeal,
A Case of Original Jurisdiction.

Allan L. Williams, Cross City, pro se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Kellie Neilan, Assistant
Attorney General, Daytona Beach,
for Respondent.

THOMPSON, J.

Petitioner Allan Williams seeks a belated appeal alleging that he requested his trial counsel to file an appeal after sentencing, but that counsel failed to do so. The petition is not under oath as required by Florida Rule of Appellate Procedure 9.141(c)(3)(F). See Riley v. State, 861 So. 2d 1289 (Fla. 5th DCA 2004). We deny the petition without prejudice for Williams to file a properly sworn petition.

Petition DENIED without PREJUDICE.

MONACO and TORPY, JJ., concur.