

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

JULY TERM 2005

NATHANIEL POOLE,

Petitioner,

v.

Case No. 5D05-3007

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed November 10, 2005

Petition for Belated Appeal,
A Case of Original Jurisdiction.

Bradley S. Sherman, DeLand,
for Petitioner.

Charles J. Crist, Jr., Attorney General, and
Kellie A. Nielan, Assistant Attorney
General, Daytona Beach, for Respondent.

PER CURIAM.

Petitioner seeks a belated appeal. However, the petition is not properly given under oath and fails to allege that Petitioner requested his counsel to proceed with an appeal. Therefore, the petition is not facially sufficient and is denied without prejudice for defendant to file a sufficient petition.

SHARP, W., PETERSON and TORPY, JJ., concur.