

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

JANUARY TERM 2006

JEFFERY LAMAR FRAZIER,

Petitioner,

v.

Case No. 5D06-2039

STATE OF FLORIDA,

Respondent.

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Opinion filed July 7, 2006

Petition for Belated Appeal,  
A Case of Original Jurisdiction.

Jeffrey L. Frazier, Jasper, *pro se*.

No Appearance for Respondent.

PER CURIAM.

Frazier has filed a petition for habeas corpus, seeking a belated appeal. We deny his petition without prejudice to refile a legally sufficient petition. This petition, although executed with proper legal formality, fails to allege that he requested his attorney to file an appeal on his behalf in a timely manner – within 30 days after his criminal judgment was rendered. If he failed to make a timely request for an appeal,<sup>1</sup> he is not entitled to a belated appeal.

Petition for Writ of Habeas Corpus DENIED without prejudice.

PLEUS, CJ., and LAWSON, J., and SHARP, W., Senior Judge, concur.

<sup>1</sup> See Fla. R. App. P. 9.141(c)(3)(F). See also *Moore v. State*, 910 So. 2d 947 (Fla. 5th DCA 2005).