

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

JULY TERM 2006

WILLIAM L. SHELTON,

Petitioner,

v.

CASE NO. 5D06-2619

STATE OF FLORIDA,

Respondent.

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Opinion filed September 15, 2006

Petition for Belated Appeal,
A Case of Original Jurisdiction.

William L. Shelton, Jasper, pro se.

No Appearance for Respondent.

LAWSON, J.

William L. Shelton petitions for a belated appeal, alleging that no one ever advised him of his right to appeal the judgment and sentence in lower court case no. 02-32550-CFAES.¹ We take judicial notice of our own records in case no. 05-293, an appeal that Shelton filed challenging the trial court's denial of his motion for post-conviction relief from the same convictions. *See Shelton v. State*, 895 So. 2d 430 (Fla. 5th DCA 2005) (table). That record contains a transcript of the plea colloquy between

¹ In this case, Shelton pled guilty to DUI involving serious bodily injuries and leaving the scene of an accident involving serious bodily injury. He was sentenced to five years in state prison on the first charge, and a consecutive two-year prison term on the second charge.

Shelton and the trial judge, in which the trial judge very clearly informed Shelton that: "If you'd like to appeal your sentence you must do so within 30 days of today by filing a written notice of appeal with the Clerk of the Court. If you can't afford an attorney to assist you with that, the Court will appoint someone for you if you'll apply in writing."

Given this record, it is clear that the allegations of Shelton's current petition are false, and that his petition is therefore frivolous. As such, we deny the petition and direct the Clerk to forward a certified copy of this opinion to the appropriate institution for consideration of disciplinary procedures. See § 944.279(1), Fla. Stat. (2005); *Simpkins v. State*, 909 So. 2d 427, 428 (Fla. 5th DCA 2005).

PETITION DENIED; CERTIFIED OPINION FORWARDED to Department of Corrections.

GRIFFIN and PALMER, JJ., concur.