

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

JANUARY TERM 2011

DAMIAN SIMMS,

Petitioner,

v.

Case No. 5D11-1258

STATE OF FLORIDA,

Respondent.

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Opinion filed May 27, 2011

Petition for Belated Appeal,  
A Case of Original Jurisdiction.

Robert Wesley, Public Defender and  
Migdalia Perez, Assistant Public Defender,  
Kissimmee, for Petitioner.

Pamela J. Bondi, Attorney General,  
Tallahassee and Wesley Heidt, Assistant  
Attorney General, Daytona Beach, for  
Respondent.

PER CURIAM.

The petition for belated appeal is granted. A copy of this opinion shall be filed with the trial court and be treated as the notice of appeal from the judgment and sentence in case number 2009-CF-1327-A-OS, in the Circuit Court in and for Osceola County, Florida. See Fla. R. App. P. 9.141(c)(5)(D).

PETITION GRANTED.

MONACO, C.J., TORPY and EVANDER, JJ., concur.