

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

JANUARY TERM 2011

OCTAVIUS WALKER,

Petitioner,

v.

Case No. 5D11-523

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed March 25, 2011

Petition for Belated Appeal,
A Case of Original Jurisdiction.

Robert Wesley, Public Defender and
Steven S. Graves, Assistant Public
Defender, Orlando, for Petitioner.

No Appearance for Respondent.

PER CURIAM.

Inasmuch as there is pending in this Court Case No. 5D10-4087, an appeal of the order that is the subject of this petition for belated appeal and as it has been established that the notice of appeal was timely filed below, Case No. 5D10-4087 shall proceed as timely filed. Therefore the petition for belated appeal is moot.

PETITION DENIED AS MOOT.

SAWAYA, PALMER and COHEN, JJ., concur.