

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DARRELL LAVALLE DAVIS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D03-0452

Opinion filed June 26, 2003.

Petition for Belated Appeal -- Original Jurisdiction.

William Mallory Kent of the Law Offices of William Mallory Kent, Jacksonville, for petitioner.

Charlie Crist, Attorney General, and James W. Rogers, Sr. Assistant Attorney General, Tallahassee, for respondent.

PER CURIAM.

Darrell Lavalley Davis seeks a belated appeal of the order rendered on or about August 5, 2002, denying Davis' motion for postconviction relief in Duval County

Circuit Court case number 96-5225-CF-B. According to Davis, he was not timely served with a copy of the order. In response to an order to show cause, the state has conceded that Davis is entitled to a belated appeal. Accordingly, Davis' petition is granted. Upon issuance of mandate in this cause, a copy of this opinion shall be provided to the clerk of the circuit court for treatment as a notice of appeal. See Fla. R. App. P. 9.141(c)(5)(D).

BARFIELD, WOLF and DAVIS, JJ., concur.