

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

KENNETH G. GEARHART,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D03-2287

Opinion filed July 2, 2003.

Petition for Belated Appeal -- Original Jurisdiction.

Robert Augustus Harper and Michael Robert Ufferman of the Robert Augustus Harper Law Firm, Tallahassee, for petitioner.

Charlie Crist, Attorney General, Tallahassee, for respondent.

PER CURIAM.

DENIED. Fla. R. App. P. 9.141(c)(4)(B).

WOLF, C.J., and WEBSTER, JJ., concur; BENTON, J., dissents.