

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

DANA LYDELL JOHNSON,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D03-3844

Opinion filed February 10, 2004.

Petition Seeking Belated Appeal -- Original Jurisdiction.

Dana Lydell Johnson, pro se, petitioner.

Charlie Crist, Attorney General, and Anne C. Conley, Assistant Attorney General,
Tallahassee, for respondent.

PER CURIAM.

Dana Johnson seeks a belated appeal of the order rendered on or about June 27,
2003, denying Johnson's motion for postconviction relief in Duval County Circuit

Court case number 16-1988-CF-13729-AXXX-MA. In light of the special master's findings that Johnson did timely request that his attorney file a notice of appeal and that the order denying the motion failed to apprise Johnson of his right to appeal as required by Florida Rule of Criminal Procedure 3.850(g), Johnson's 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).

ERVIN, BARFIELD and POLSTON, JJ., concur.