

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

DAN SCHMIDT,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-0820

Opinion filed July 15, 2005.

Petition for Belated Appeal -- Original Jurisdiction.

Dan Schmidt, pro se, petitioner.

Charlie Crist, Attorney General, and Philip W. Edwards, Assistant Attorney General,
Tallahassee, for respondent.

PER CURIAM.

The petition for belated appeal is granted. Petitioner shall be allowed a belated appeal of the July 1, 2004, order denying motion for post conviction relief in Bay County Circuit Court case number 94-788. 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 the notice of appeal. Fla. R. App. P. 9.141(c)(5)(D).

ERVIN, BARFIELD and VAN NORTWICK, JJ., concur.