

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

SAMUEL J. GARDNER,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-1563

Opinion filed May 25, 2005.

Unopposed Petition Seeking Belated Appeal -- Original Jurisdiction.

Nancy A. Daniels, Public Defender, and Kathleen A. Stover, Assistant Public Defender, Tallahassee, for petitioner.

No appearance for respondent.

PER CURIAM.

The unopposed petition seeking a belated appeal of the order of July 23, 2004, denying petitioner's motion for postconviction DNA testing in Leon County Circuit Court case number 86-1709, 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)(B).

ALLEN, KAHN and WEBSTER, JJ., concur.