

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

ROY CHRISTOPHER BARRY,  
Appellant,

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

v.

CASE NO. 1D05-4348

STATE OF FLORIDA,  
Appellee.

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Opinion filed February 6, 2006.

An appeal from the Circuit Court for Suwannee County. David W. Fina, Judge.

Jeffrey A. Siegmeister, Lake City, for Appellant.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The appellant filed a motion for postconviction relief pursuant to Florida Rule of Criminal Procedure 3.850. We affirm the trial court's order without comment except to the extent that it purports to grant the appellant a belated appeal from his revocation of probation. The trial court lacked jurisdiction to grant a belated appeal. See Fla. R. App. P. 9.141(c); Lane v. State, 819 So. 2d 1011, 1012 (Fla. 1st DCA 2002). We therefore vacate that part of the order granting a belated appeal without

prejudice to the appellant's right to seek a belated appeal in this Court pursuant to Florida Rule of Appellate Procedure 9.141(c).

AFFIRMED IN PART; VACATED IN PART.

KAHN, C.J., LEWIS and POLSTON, JJ., concur.