

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

JAMES EARL CLAYTON,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-5034

Opinion filed December 7, 2005.

Petition for Belated Appeal -- Original Jurisdiction.

James Earl Clayton, pro se, petitioner.

Charlie Crist, Attorney General, Tallahassee, for respondent.

PER CURIAM.

The petition for belated appeal is denied because a timely notice of appeal was filed, certified to this court and assigned case number 1D05-5037.

ALLEN, VAN NORTWICK and POLSTON, JJ., concur.