

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

BILLY D. OWENS,

Petitioner,

v.

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

CASE NO. 1D11-6506

STATE OF FLORIDA,

Respondent.

Opinion filed June 1, 2012.

Petition for Belated Appeal -- Original Jurisdiction.

Billy D. Owens, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

The petition for belated appeal is denied. The denial of a motion to dismiss is not an appealable order. See Fla. R. App. P. 9.140(b). As the petition fails to allege that Owens requested that his attorney file an appeal of the judgment and sentence (as opposed to the order denying the motion to dismiss), the petition is denied.

BENTON, C.J., THOMAS and SWANSON, JJ., CONCUR.