

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

CARVER ASKEW,

Petitioner,

v.

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

CASE NO. 1D13-1620

STATE OF FLORIDA,

Respondent.

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Opinion filed September 3, 2013.

Petition Seeking Belated Appeal -- Original Jurisdiction.

Carver Askew, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, and Heather Flanagan Ross, Assistant Attorney  
General, Tallahassee, for Respondent.

PER CURIAM.

Rendition of the lower tribunal's order of August 27, 2012, denying petitioner's motion for postconviction relief in Duval County Circuit Court case numbers 2009-CF-011922 and 2009-CF-012286, was postponed pending rendition of the November 15, 2012, order denying petitioner's timely motion for rehearing. Accordingly, the motion for extension of time mailed from petitioner's place of confinement on December 10, 2012, which clearly expressed an intent and desire to appeal, is construed as a timely notice of appeal directed to the order of August 27, 2012. The circuit court shall transmit the motion, so construed as a notice of appeal, to this court within 15 days of issuance of mandate in this cause.

Upon consideration of the foregoing, the petition seeking belated appeal is DENIED as MOOT.

VAN NORTWICK, SWANSON, and OSTERHAUS, JJ., CONCUR.