

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

ARZELL DIGGS JR.,

Appellant,

v.

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

CASE NO. 1D13-2421

T.E.W. ON BEHALF OF A.W.,

Appellee.

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Opinion filed July 5, 2013.

An appeal from an order of the Circuit Court for Gadsden County.  
James O. Shelfer, Judge.

Anabelle Dias and Kevin Robert Alvarez of Anabelle Dias, P.A., Tallahassee, for  
Appellant.

T.E.W. on behalf of A.W., pro se, Appellee.

PER CURIAM.

DISMISSED. See Brigham v. State, 769 So. 2d 1100, 1101 (Fla. 1st DCA  
2000) (explaining avenues for obtaining belated appeal and stating that in civil  
proceedings a “petitioner must seek relief in the trial court by motion pursuant to  
rule 1.540”). Compare Holifield v. Renew & Co., Inc., 18 So. 3d 616 (Fla. 1st  
2009) (granting petition for writ of certiorari where “no action attributable to the

circuit court or court personnel contributed to counsel's neglect in failing to take a timely appeal"), with *Pompi v. City of Jacksonville*, 872 So. 2d 931, 933 (Fla. 1st DCA 2004) (concluding trial court erred in denying relief from late filing caused by an excusable error).

LEWIS, C.J., ROBERTS, and ROWE, JJ., CONCUR.