

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D21-1623

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BRIAN KEITH CARSTEN,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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Petition for Belated Appeal—Original Jurisdiction.

September 2, 2021

PER CURIAM.

Petitioner seeks belated appeal of a July 27, 2020, order denying a postconviction motion. Because Petitioner’s motion for rehearing was not timely filed, it did not delay rendition of the July 27, 2020, order. *See* Fla. R. Crim. Pro. 3.850(j). Accordingly, the Court denies the petition for belated appeal on the merits. *See Topps v. State*, 865 So. 2d 1253, 1258 (Fla. 2004) (explaining that a decision on an extraordinary writ petition that “clearly shows that the issue was considered by the court on the merits” is deemed a decision “which would later bar the litigant from presenting the issue under the doctrines of res judicata or collateral estoppel”).

LEWIS, MAKAR, and BILBREY, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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Brian Keith Carsten, pro se, Petitioner.

Ashley Moody, Attorney General, and Adam B. Wilson, Assistant Attorney General, Tallahassee, for Respondent.