

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D21-2291

JEFFREY MORRILL,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition for Belated Appeal—Original Jurisdiction.

September 15, 2021

PER CURIAM.

Petitioner seeks belated appeal of an order striking an amended postconviction motion with leave to file a second amended motion. This order is not a final, appealable order. *See Shelley v. State*, 993 So. 2d 93 (Fla. 1st DCA 2008); *Howard v. State*, 976 So. 2d 635, 636 (Fla. 5th DCA 2008) (“If leave to amend has been given by the trial court, a defendant may not appeal until he has obtained a denial of the motion that does not include leave to amend.”). Accordingly, the Court denies the petition for belated appeal on the merits.

KELSEY, NORDBY, and LONG, JJ., concur.

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

Deana Marshall of the Law Office of Deana K. Marshall, P.A.,
Riverview, for Petitioner.

Ashley Moody, Attorney General, Tallahassee, for Respondent.