

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D22-2336

L.S.F-W.,

Appellant,

v.

DEPARTMENT OF CHILDREN AND
FAMILIES,

Appellee.

On appeal from the Circuit Court for Bay County.
Brantley S. Clark Jr., Judge.

September 2, 2022

PER CURIAM.

In this case, we ordered Appellant to show cause why this appeal should not be dismissed as untimely.

Even though Appellant filed the notice of appeal more than thirty days after rendition of the order under review, we do not dismiss for lack of jurisdiction. *See generally* Fla. R. App. P. 9.146; *see also* Fla. R. App. P. 9.110(b).

Instead, we treat Appellant's response to the order to show cause as a petition for writ of habeas corpus alleging an entitlement to a belated appeal due to ineffective assistance of counsel in a case involving a termination of parental rights. *See*

Art. V, sec. 2, Fla. Const.; *see also* Fla. R. App. P. 9.040(c); *In Interest of E.H.*, 609 So. 2d 1289, 1290 (Fla. 1992).

Additionally, we transfer the re-designated petition to the lower court for disposition. *See* Art. V, sec. 2, Fla. Const.; *see also* Fla. R. App. P. 9.040(b)(1); *In Interest of E.H.*, 609 So. 2d at 1291.

KELSEY, JAY, and M.K. THOMAS, JJ., concur.

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

L.S.F-W., pro se, Appellant.

Sarah J. Rumph, Appellate Counsel, Children's Legal Services,
Tallahassee, for Appellee.