

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2011*

**DADY MERCY,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D10-347

[August 10, 2011]

PER CURIAM.

*Affirmed* without prejudice to seek available relief in the trial court. *See Steele v. Kehoe*, 747 So. 2d 931, 934 (Fla. 1999) (authorizing a belated post-conviction motion where post-conviction counsel's actions deprive the defendant of the ability to seek rule 3.850 relief).

POLEN, DAMOORGIAN and CIKLIN, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Sherwood Bauer, Jr., Judge; L.T. Case No. 432005CF000231A.

Dady Mercy, Quincy, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***