

# Supreme Court of Florida

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No. SC97120

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**JACK LEON DEMARIA,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[February 8, 2001]

SHAW, J.

We have for review a decision on the following question certified to be of great public importance:

Does the holding in Lambrix v. State, 698 So. 2d 247 (Fla. 1996), when considered in light of the Supreme Court of Florida's pronouncement in Steele v. Kehoe, 747 So. 2d 931 (Fla. 1999), foreclose the provision of a belated appeal from the denial of a postconviction motion when the notice of appeal was not timely filed due to the ineffectiveness of counsel in the collateral proceeding?

DeMaria v. State, 25 Fla. L. Weekly D101, D101 (Fla. 2d DCA Jan. 5, 2000). We

have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

Consistent with our decision in Williams v. State, 25 Fla. L. Weekly S1069, S1102 (Fla. Nov.22, 2000), we answer the certified question in the negative.

The decision of the district court of appeal is quashed and the case is remanded for further proceedings in light of our opinion in Williams.

It is so ordered.

HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.  
WELLS, C.J., concurs in result only.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND  
IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal -  
Certified Great Public Importance

Second District - Case No. 2D99-02314

(Polk County)

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for Petitioner

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