

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2010

PATRICK D. WITKEMPER,

Petitioner,

v.

Case No. 5D09-4226

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed August 20, 2010

Petition for Belated Appeal,
A Case of Original Jurisdiction.

Patrick D. Witkemper, Sneads, pro se.

Bill McCollum, Attorney General, Tallahassee
and Wesley Heidt, Assistant Attorney General,
Daytona Beach, for Respondent.

PER CURIAM.

Petitioner seeks a belated appeal. We appointed the trial court as commissioner to conduct an evidentiary hearing to determine the facts. Upon review of the report, the petition for habeas corpus for belated appeal is denied.

PETITION DENIED.

GRIFFIN, PALMER and ORFINGER, JJ., concur.