

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

JANUARY TERM 2011

SAMUEL KEARNEY,

Petitioner,

v.

Case No. 5D10-4161

STATE OF FLORIDA,

Respondent.

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Opinion filed January 21, 2011.

Petition for Belated Appeal,  
A Case of Original Jurisdiction.

Samuel Kearney, DeFuniak Springs,  
pro se.

Pamela J. Bondi, Attorney General,  
Tallahassee and Wesley Heidt,  
Assistant Attorney General, Daytona  
Beach, for Respondent.

PER CURIAM.

The petition for belated appeal is granted. A copy of this opinion will be filed with the lower court and be treated as the notice of appeal from the order denying the motion for postconviction relief in Case No. 2004-CF-003465-A in the Circuit Court in and for Marion County. See Fla. R. App. P. 9.141(c)(5)(D).

PETITION GRANTED.

GRIFFIN, SAWAYA and JACOBUS, JJ., concur.