

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TIMOTHY D. BIVENS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D06-2954

Opinion filed April 23, 2007.

Petition Seeking Belated Appeal -- Original Jurisdiction.

Timothy D. Bivens, pro se, Petitioner.

Bill McCollum, Attorney General, and Charlie McCoy, Assistant Attorney General,
Tallahassee, for Respondent.

PER CURIAM.

The petition seeking a belated appeal of the judgment and sentence rendered on or about January 26, 2006, in Leon County Circuit Court case number 2005-CF-4176, is granted. Upon issuance of mandate in this cause, a copy of this opinion shall be provided to the clerk of the circuit court for treatment as a notice of appeal. See Fla. R. App. P. 9.141(c)(5)(D). If petitioner qualifies for the appointment of counsel, the lower tribunal shall appoint counsel to represent petitioner on appeal.

DAVIS, PADOVANO, and HAWKES, JJ., CONCUR.