

IN THE DISTRICT COURT OF APPEAL
DISTRICT OF FLORIDA

_____,
Petitioner,

Case No.: _____

Original Case No.: _____

vs.

_____ County, Florida

STATE OF FLORIDA,
Respondent.

PETITION SEEKING BELATED APPEAL

Pursuant to Fla.R.App.P. 9.141(c)

Petitioner, Pro se

DC# _____

BASIS FOR INVOKING JURISDICTION

This petition addresses alleged ineffective assistance of trial counsel on the part of: _____.

The Petitioner, _____, is herein referred to as the “Petitioner” or _____.

The Respondent, the State of Florida shall be referred to herein as the “State”.

A petition for writ of habeas corpus alleging ineffective assistance of trial counsel for not affecting an appeal is an original proceeding provided by Fla.R.App.P. 9.141(c)(2) and taken in accordance with Fla.R.App.P. 9.100.

Ineffective assistance of trial counsel for not effectuating an appeal is properly cognizable only in appellate court wherein appellate jurisdiction was vested and only through habeas corpus petition, Fla.R.App.P. 9.141(c)(3).

STANDARD OF REVIEW

The Florida Supreme Court’s findings in State v. Trowell, 739 So.2d 77, 80 (Fla. 1999), sets forth the applicable standard of review in prisoner’s petitions seeking belated appeals due to trial counsel’s failure to file notice of appeal. Id. holds that a petitioner need not delineate meritorious issues for appeal but only needs to show that counsel failed to file the requested notice.

Hence, this Petitioner is under no lawful requirement to show meritoriousness of preserved issue(s) for appellate review in order to secure relief.

FACTS RELIED UPON

An Appendix of Exhibits is also provided, separated by divider and appropriate tabs, in accordance with Fla.R.App.P.9.220. The attached exhibits are herein incorporated by reference.

NATURE OF RELIEF SOUGHT

The Petitioner is seeking a belated appeal from _____
County case number _____. The order that a belated appeal is
being sought from is a final order _____
_____.

ARGUMENT

No notice of appeal has been filed contrary to counsel's agreement to do so.
The Petitioner would expect that the named omission by attorney _____
was inadvertent and unintentional. However, the effect is the same, the Petitioner
lost his right to appeal due to attorney's ineffectiveness.

The Petitioner should be afforded the requested belated appeal.

CONCLUSION

Wherefore, the Petitioner respectfully requests this Honorable Court to take
judicial notice of all the exhibits attached hereto and the court file and grant the
requested relief.

Respectfully submitted,

Petitioner, Pro se

OATH

Under the penalties of perjury, I declare and certify that I do understand English and that I have read the foregoing document and that the facts stated in it are true and correct.

Petitioner, Pro se

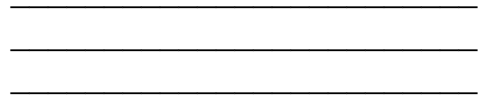
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to the **State Attorney General**, Criminal Appeals Division at: _____

_____ and to the **State Attorney** for _____ County at: _____

_____ by handing said document to a prison official for mailing by pre-paid first class U.S. mail on this ___ day of _____, 20__.

Petitioner, Pro se
DC# _____



INDEX TO APPENDIX

EXHIBIT

DOCUMENT

DATE

A

B

C