

Supreme Court of Florida

COPY

No. 93,547

JORGE E. GONZALEZ,
Petitioner,

vs.

HARRY K. SINGLETARY, JR., etc.,
Respondent.

[September 2, 1999]

PARIENTE, J.

We have for review the decision in Gonzalez v. Singletary, 713 So. 2d 1057 (Fla. 3d DCA 1998), which the district court certified to be in conflict with the opinions in Trowell v. State, 706 So. 2d 332 (Fla. 1st DCA 1998), Faircloth v. State, 661 So. 2d 1292 (Fla. 4th DCA 1995), Owens v. State, 643 So. 2d 105 (Fla. 1st DCA 1994), and Gunn v. State, 612 So. 2d 643 (Fla. 4th DCA 1993). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

We recently approved the First District's opinion in Trowell on the issue of

what allegations a defendant who pleaded guilty must include in a petition seeking a belated appeal. See State v. Trowell, 24 Fla. L. Weekly S235 (Fla. May 27, 1999).

Accordingly, we quash that portion of the district court's decision that denied petitioner's request for a belated appeal of his conviction and remand for further proceedings in light Trowell.¹

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD, LEWIS and QUINCE, JJ.,
concur.

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
Direct Conflict of Decisions

Third District - Case No. 98-444

George E. Gonzalez, pro se, Orlando, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Douglas Gurnic, Assistant Attorney
General, Fort Lauderdale, Florida,

for Respondent

¹The State asserts that sections 924.06(3) and 924.051(4), Florida Statutes (1996), of the Criminal Appeal Reform Act are applicable. However, the district court neither relied upon the Criminal Appeal Reform Act as a basis for its decision nor addressed its applicability. Accordingly, we decline to do so here.