Supreme Court of Florida

No. 93,705

MICHAEL ANTHONY MORSE,
Petitioner,

vs.

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

[September 2, 1999]

PARIENTE, J.

We have for review the decision in Morse v. Singletary, No. 98-01279 (Fla. 2d DCA July 21, 1998), which the district court certified to be in conflict with the opinion in Trowell v. State, 706 So. 2d 332 (Fla. 1st DCA 1998). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

We recently approved 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,

Accordingly, we quash the decision below on the authority of our opinion in Trowell, and remand for further proceedings in light of that opinion.[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 - Direct Conflict

Second District - Case No. 98-01279

Baya Harrison, III, Monticello, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant Attorney General, and Angela D. McCravy, Assistant Attorney General, Tampa, Florida,

for Respondent

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[1]The 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 of its decision nor addressed its applicability. Accordingly, we decline to do so here.