

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

JANUARY TERM 2004

MICHAEL A. FULLER,

Petitioner,

v.

Case No. 5D04-1191

STATE OF FLORIDA,

Respondent.

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Opinion filed June 4, 2004

Petition for Belated Appeal,  
A Case of Original Jurisdiction.

Michael A. Fuller, Avon Park, pro se.

Charles J. Crist, Jr., Attorney General,  
Tallahassee and Kellie A. Nielan,  
Assistant Attorney General, Daytona  
Beach, for Respondent.

PER CURIAM

Petitioner seeks a belated appeal, stating that he requested an appeal during sentencing but no appeal was ever filed. Florida Rule of Appellate Procedure 9.141(c)(3)(F) requires the specific facts providing a basis for a belated appeal to be sworn to by the petitioner. The instant petition for belated appeal does not contain an oath that the statements are true. Therefore, the petition is dismissed without prejudice to refile with a proper oath.

DISMISSED.

PLEUS, PALMER and TORPY, JJ., concur.