

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-3056

AKAMAU JOHNSON,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition for Belated Appeal—Original Jurisdiction.

July 9, 2019

PER CURIAM.

The petition for belated appeal is denied on the merits.

WETHERELL and M.K. THOMAS, JJ., concur; MAKAR, J., dissents with opinion.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

MAKAR, J., dissenting.

The hearing officer in this case read the petitioner's factual allegations too narrowly in concluding that no factual issues exist and that the only issue presented is "strictly a matter of law." Rather, Petitioner says he was transferred from one institution to another, and was thereafter in lockdown for ten days, resulting in denial of access to his "legal work," which may include legal papers, correspondence, orders, and so on. The current record fails to establish when Petitioner received the order at issue he seeks to appeal; presumably some mail log exists to show when he received it. Because the trial court deemed the matter a purely legal issue, no factual findings were made on this important factual point. For these reasons, an amended *Staley* order is appropriate.

Akamau Johnson, pro se, Petitioner.

Ashley Moody, Attorney General, Tallahassee, for Respondent.