

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

JANUARY TERM 2006

ERIK T. ABBOT,

Petitioner,

v.

Case No. 5D06-1243

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed May 26, 2006

Petition for Belated Appeal,
A Case of Original Jurisdiction.

Erik T. Abott, Jasper, for Petitioner.

No Appearance for Respondent.

PER CURIAM.

Abbot petitions this court for a belated appeal. We deny his petition without prejudice. To the extent Abbot claims ineffective assistance of counsel, he must pursue these claims by filing a motion pursuant to Florida Rule of Criminal Procedure 3.850 in the trial court. To the extent that he seeks a belated appeal, his pleading is insufficient because his petition is unsworn. See Fla. R. App. P. 9.141(c)(3)(F); *Cosby v. State*, 911 So. 2d 275 (Fla. 5th DCA 2005).

Petition for Belated Appeal DENIED Without Prejudice.

SHARP, W., SAWAYA and MONACO, JJ., concur.