

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

JONATHAN T. FISHER,

Appellant,

v.

Case No. 5D13-3318

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 2, 2015

Appeal from the Circuit Court
for Osceola County,
Mark S. Blechman, Judge.

James S. Purdy, Public Defender, and
Robert J. Pearce III, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Allison Leigh Morris,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Appellant, Jonathan Fisher, appeals the order striking his motion to withdraw plea in which Appellant claims that his plea was involuntary based on misleading and deceptive advice by his attorney. He claims that he is entitled to a limited hearing pursuant to Sheppard v. State, 17 So. 3d 275 (Fla. 2009). The State seems to concede

that such a hearing is appropriate in its brief, stating that Appellant “might be entitled to a limited hearing under Sheppard.” Therefore, the State asks this court to do whatever it thinks appropriate. We reverse the order under review and remand this case for a hearing pursuant to Sheppard.

REVERSED and REMANDED.

SAWAYA, TORPY and LAMBERT, JJ., concur.