

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

JULY TERM 2013

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

JAVONTY AKEEBA PARIS,

Appellant,

v.

Case No. 5D12-4736

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 25, 2013

Appeal from the Circuit Court
for Orange County,
Mike Murphy, Judge.

Peter Loblack of Law Office of Peter
Loblack, P.A., Plantation, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kristen L. Davenport,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Javonty Paris appeals the order denying his Florida Rule of Criminal Procedure 3.850 motion to withdraw plea and vacate sentence. On appeal, he raises two arguments as to why he should be allowed to withdraw his nolo contendere plea, only one of which merits discussion.

Paris alleges that his trial counsel was ineffective because she failed to advise him of the clear immigration consequences of the plea. He claims that, if counsel had

informed him that the plea would likely subject him to deportation, he would have proceeded to trial or attempted to negotiate a better plea. The Supreme Court has established that defense counsel's failure to give legal advice regarding deportation consequences of a plea can constitute ineffective assistance. See Padilla v. Kentucky, 559 U.S. 356 (2010). Here, the record does not conclusively refute Paris's allegation of ineffective assistance of counsel. Therefore, we remand for the trial court to either attach portions of the record conclusively refuting Paris's allegation that his counsel was ineffective or hold an evidentiary hearing on the issue.

REMANDED WITH INSTRUCTIONS.

TORPY, C.J., ORFINGER and COHEN, JJ., concur.