

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

HAROLD DOUGLAS BLUE,

Appellant,

v.

Case No. 5D13-1104

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed January 31, 2014

Appeal from the Circuit Court
for Volusia County,
Leah R. Case, Judge.

Richard J. D'Amico, Ormond Beach,
for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Ann M. Phillips,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Harold Blue appeals his judgment and sentence imposed after he entered a plea admitting to a violation of probation in his possession of cocaine case, resulting in a thirty-six-month prison sentence. After sentencing, Blue timely filed a pro se motion to withdraw plea (based upon allegations relating to his appointed counsel) pursuant to Florida Rule of Criminal Procedure 3.170(*l*). The trial court denied the motion after a

hearing at which the prosecutor appeared but at which Blue was not offered conflict-free counsel. The State requests that we relinquish jurisdiction for a new hearing after the appointment of conflict-free counsel. We decline the State's request and instead reverse the denial order and remand for a new hearing after Blue is offered conflict-free counsel. *See, e.g., Rouse v. State*, 990 So. 2d 1197 (Fla. 5th DCA 2008).

ORDER DENYING MOTION TO WITHDRAW PLEA REVERSED; REMANDED FOR FURTHER PROCEEDINGS ON MOTION.

TORPY, C.J., SAWAYA and LAWSON, JJ., concur.