

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**LINEAR HARDEN,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D13-2074

[July 29, 2015]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael Usan, Judge; L.T. Case No. 12005415CF10A.

Carey Haughwout, Public Defender, and Lesley N. Clark, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Luke R. Napodano, Assistant Attorney General, West Palm Beach, for appellee.

MAY, J.

The defendant appeals his conviction and sentence for grand theft over \$100,000. He raises a single issue, with multiple subparts, of ineffective assistance of counsel. “Generally, claims of ineffective assistance of counsel are not cognizable on direct appeal.” *Gould v. State*, 137 So. 3d 524, 524 (Fla. 4th DCA 2014). “An exception exists ‘only in the rare case where both prongs of *Strickland*—the error and the prejudice—are *manifest in the record*.” *Id.* (emphasis added) (footnote omitted) (quoting *Boyd v. State*, 45 So. 3d 557, 560 (Fla. 4th DCA 2010)). This exception is *rarely applicable* because “[s]uch claims ordinarily turn on issues of fact and both sides are entitled to present relevant evidence to the trial court to resolve those issues.” *Gordon v. State*, 469 So. 2d 795, 798 (Fla. 4th DCA 1985) (Anstead, C.J., concurring specially).

This case does not fall within the exception. We therefore affirm without prejudice to the defendant raising his claim in a motion, pursuant to Florida Rule of Criminal Procedure 3.850.

*Affirmed without prejudice.*

KLINGENSMITH, J., and ROBY, WILLIAM L., Associate Judge, concur.

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***Not final until disposition of timely filed motion for rehearing.***