

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

DARRYL SOLOMON HOPE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D03-923

[August 24, 2005]

ON MOTION FOR REHEARING

PER CURIAM.

We deny appellee's motion for rehearing, but grant its motion to certify conflict among the districts. *See Stansel v. State*, 825 So. 2d 1007 (Fla. 2d DCA 2002), *Scott v. State*, 813 So. 2d 1025 (Fla. 3d DCA 2002), *McKowen v. State*, 831 So. 2d 794 (Fla. 5th DCA 2002). *But see Dickey v. State*, 30 Fla. L. Weekly D443 (Fla. 1st DCA Feb. 15, 2005). Accordingly, as this court did in *Smith v. State*, 829 So. 2d 940 (Fla. 4th DCA 2002), we certify the following question to be of great public importance:

WHETHER ALLEGATIONS OF AFFIRMATIVE MISADVICE BY TRIAL COUNSEL ON THE SENTENCE-ENHANCING CONSEQUENCES OF A DEFENDANT'S PLEA FOR FUTURE CRIMINAL BEHAVIOR IN AN OTHERWISE FACIALLY SUFFICIENT MOTION ARE COGNIZABLE AS AN INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM.

GUNTHER, SHAHOOD and HAZOURI, JJ., concur.

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Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ronald J. Rothschild, Judge; L.T. Case Nos. 88-18554 CF & 89-22865 CF.

Darryl Solomon Hope, Coleman, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.