

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

GLENN HENRY BROWN, III,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-426

[August 24, 2005]

PER CURIAM.

We find no error in the denial of appellant's motion to withdraw his plea to sale of cocaine. The court, however, also convicted and sentenced him for possession of cocaine, a separate count which the state had announced it would nolle pros. Because there was no plea to the possession count, we reverse the conviction and sentence on the possession count.

FARMER, KLEIN, and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Cynthia L. Cox, Judge; L.T. Case No. 01-213.

Carey Haughwout, Public Defender, and Louis G. Carres, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Heidi L. Bettendorf, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.