

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

RAY WILLIAMS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-2142

[November 14, 2007]

PER CURIAM.

Williams appeals an order denying his rule 3.170(1) motion to withdraw his plea which he alleged was involuntary because his lawyer failed to advise him that he could have prevailed on a motion to suppress. The denial of the motion was without a hearing or the attachment of any records showing he was not entitled to relief. We remand under *Simeton v. State*, 734 So. 2d 446 (Fla. 4th DCA 1999) for attachments of portions of the record which would conclusively show there was no merit to Williams's argument that he was on private property and therefore improperly arrested for having an open container, or in the alternative, an evidentiary hearing.

KLEIN, TAYLOR and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Eileen M. O'Connor, Judge; L.T. Case No. 02-9067 CF10A.

Carey Haughwout, Public Defender, and Patrick B. Burke, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Joseph A. Tringali, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing