

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

WOOBENS BIENAIME,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1473

[January 9, 2008]

PER CURIAM.

Appellant entered a plea to the crime of sexual battery. He moved to withdraw his plea. There was a conflict between appellant and his attorney at the hearing on the motion. We reverse for a new hearing on the motion with conflict free counsel. *See Padgett v. State*, 743 So. 2d 70 (Fla. 4th DCA 1999).

FARMER, KLEIN and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael L. Gates, Judge; L.T. Case No. 05-016597 CF10A.

Carey Haughwout, Public Defender, and Ellen Griffin, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and August A. Bonavita, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing