

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

ABEDELKADER DAWUDI,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-199

[June 20, 2007]

PER CURIAM.

Appellant, Abedelkader Dawudi, appeals the trial court's order denying his motion for relief pursuant to Florida Rule of Criminal Procedure 3.850. One of the claims raised, claim four, is that his plea was involuntary because his attorney gave affirmative misadvice. We find that the record before us does not refute Dawudi's claim that he was affirmatively misadvised as to this issue. Accordingly, we remand for the trial court to conduct an evidentiary hearing on this claim only. We affirm as to Dawudi's remaining claims.

Affirmed In Part, Reversed In Part, And Remanded.

GUNTHER, FARMER and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael Kaplan, Judge; L.T. Case No. 02-16591 CF10A.

Abedelkader Dawudi, Panama City, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing