

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

JAMES M. GALONSKA,

Appellant,

v.

Case No. 5D20-1136

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 24, 2020

3.850 Appeal from the Circuit
Court for Volusia County,
Dennis Craig, Judge.

James M. Galonska, Crawfordville, pro se.

Ashley Moody, Attorney General, Tallahassee,
and Bonnie Jean Parrish, Assistant Attorney
General, Daytona Beach, for Appellee.

HARRIS, J.

James Galonska appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850, raising one meritorious claim. Galonska claims that his trial counsel misadvised him to reject a favorable plea offer of 41.55 months in prison. According to Galonska, he followed the misadvice of his attorney, rejected the favorable plea offer, and ultimately received a fifteen-year sentence.

The postconviction court found that no offer of 41.55 months appeared in the record. Based on this finding, the court never addressed whether Galonska rejected the plea based on the misadvice of counsel. Whether Galonska's counsel provided misadvice cannot be determined from the records attached to the trial court's order. Nor can it be determined from these records whether a 41.55 month offer was made.

We therefore reverse the summary denial of claim one and remand this matter to the postconviction court to conduct an evidentiary hearing on this claim. We affirm the denial of Galonska's other claims.

REVERSED and REMANDED.

LAMBERT and TRAVER, JJ., concur.