

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

CHARLES WOODS,

Appellant,

v.

Case No. 5D20-2034

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed June 11, 2021

Appeal from the Circuit
Court for Lake County,
Mark J. Hill, Judge.

Matthew J. Metz, Public Defender, and
Ali L. Hansen, Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

This appeal stems from the denial of Charles Woods' motion to
withdraw his plea to the charge of lewd or lascivious molestation.

Because the record did not conclusively refute the allegations in Woods' motion, the trial court set the matter for a hearing and arranged for him to be transported from the Department of Corrections. Although Woods was not in the courtroom, the trial court conducted the hearing and denied his motion.¹ It is well established that a defendant is entitled to be present at a hearing on a motion to withdraw plea because it is a critical stage in the proceedings. Krautheim v. State, 38 So. 3d 802, 804–05 (Fla. 2d DCA 2010). The State concedes error, and as such, we reverse and remand for further proceedings.

REVERSED AND REMANDED.

COHEN, HARRIS and NARDELLA, JJ., concur.

¹ The record is silent as to whether Woods was at the local jail or in a holding cell at the courthouse.