

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

JOSEPH FERREIRA,

Appellant,

v.

Case No. 5D21-306
LT Case Nos. 2020-AP-000015
2020-CT-001056

STATE OF FLORIDA,

Appellee.

Opinion filed December 3, 2021

Appeal from the County Court
for Osceola County,
Hal C. Epperson, Jr., Judge.

Robert Wesley, Public Defender,
and Mary Ibrahim, Assistant Public
Defender, Kissimmee, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Roberts J.
Bradford, Jr., Assistant Attorney
General, Daytona Beach, for
Appellee.

WALLIS, J.

Appellant appeals the judgment and sentence entered after the trial court denied his motion to withdraw his plea before sentencing. We agree with Appellant that the record does not conclusively refute his claim that he did not understand that entering the plea would result in the revocation of his driver's license. Therefore, we reverse and remand for the trial court to conduct an evidentiary hearing on Appellant's claim. See Rivera v. State, 136 So. 3d 609, 611–12 (Fla. 2d DCA 2013) (reversing summary denial of motion to withdraw plea before sentencing and remanding for an evidentiary hearing where the record did not conclusively refute appellant's claim that she involuntarily entered the plea based on misapprehension).

REVERSED and REMANDED with Instructions.

EDWARDS and WOZNIAK, JJ., concur.