

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

JULY TERM 2006

ROBERT LEE ACEE,

Appellant,

v.

Case No. 5D04-2374

STATE OF FLORIDA,

Appellee.

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Opinion filed August 18, 2006.

Appeal from the Circuit Court
for Orange County,
Daniel P. Dawson, Judge.

James S. Purdy, Public Defender,
and Susan A. Fagan, Assistant Public
Defender, Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Kellie Nielan,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Bell v. State, 895 So. 2d 1290 (Fla. 5th DCA 2005) (holding "a claim... that a defendant should have been sentenced by the judge who accepted the plea must be preserved to be cognizable on appeal"); Davis v. State, 783 So. 2d 288, 289 (Fla. 5th DCA 2001) ("The withdrawal of a guilty plea is not a matter of right, but... a question addressed to the sound discretion of the trial court."); Kent v. State, 702 So. 2d

265, 266 (Fla. 5th DCA 1997) (stating that allegations of memory loss and a failure to understand the seriousness of penalties are not necessarily sufficient grounds to require a competency hearing); Johnson v. State, 648 So. 2d 263 (Fla. 5th DCA 1994) ("Where the mistake or misunderstanding in entering a plea is attributable to the defendant, it is not error for the court to refuse to allow withdrawal of it.")

THOMPSON, SAWAYA and LAWSON, JJ., concur.