

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

JULY TERM 2007

WILLIAM THORNTON,

Appellant,

v.

Case No. 5D05-3652

STATE OF FLORIDA,

Appellee.

Opinion filed August 3, 2007

Appeal from the Circuit Court
for Citrus County,
Richard A. Howard, Judge.

James S. Purdy, Public Defender, and
Nancy Ryan, Assistant Public Defender,
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Kellie A. Nielan,
Assistant Attorney General, Daytona
Beach, for Appellee.

PLEUS, J.

We conclude the trial court did not abuse its discretion in the denial of the defendant's motion to withdraw his plea. The trial court's conclusion that the defendant was not affirmatively misled by Mr. Evilsizer, the assigned public defender, is supported by competent evidence.

Our affirmance is without prejudice to the defendant pursuing an ineffective assistance of counsel claim by way of a post-conviction proceeding.

AFFIRMED.

LAWSON and EVANDER, JJ., concur.