

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

JULY TERM 2008

N.C., A CHILD,

Appellant,

v.

Case No. 5D07-3622

STATE OF FLORIDA,

Appellee.

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Opinion filed October 17, 2008

Appeal from the Circuit Court
for Orange County,
Roger J. McDonald, Judge.

James S. Purdy, Public Defender, and
Rose M. Levering, Assistant Public
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We reverse the order that denied N.C.'s motion to withdraw his plea.

N.C. entered a nolo contendere plea to sexual battery. As part of the plea agreement, N.C. signed a printed form containing notification of the possible future applicability of the Jimmy Ryce Act. Although the trial court received the printed form at the time the plea was entered, the trial judge failed to personally address this issue with

N.C. and determine that he understood the potential consequence of the Act. For this reason, we reverse the lower court's order with directions that N.C. be permitted to withdraw his plea and proceed to trial. See *Koenig v. State*, 597 So. 2d 256, 258 (Fla. 1992) (vacating conviction and sentence where trial court failed to determine whether defendant understood plea form or information his attorney relayed regarding plea); *Thornton v. State*, 747 So. 2d 439, 441 (Fla. 4th DCA 1999) (reiterating that "a judge using a preprinted rights form as a part of a plea colloquy must orally verify that the defendant has intelligently consumed the written information contained within it").

REVERSED and REMANDED.

SAWAYA, MONACO and TORPY, JJ., concur.