

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

JOHN L. NORMAN,  
Appellant,

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D04-0392

STATE OF FLORIDA,  
Appellee.

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Opinion filed April 7, 2005.

An appeal from the Circuit Court for Alachua County.  
Peter K. Sieg, Judge.

Nancy A. Daniels, Public Defender; Archie F. Gardner, Jr., Assistant Public Defender,  
Tallahassee; John L. Norman, pro se, for Appellant.

Charlie Crist, Attorney General; Bryan Jordan, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

John L. Norman challenges the summary denial of his timely motion to withdraw a plea pursuant to Florida Rule of Criminal Procedure 3.170(1). This Court has consistently held that, “once a defendant indicates his desire to avail himself of

the rule 3.170(1) procedure, the trial court must appoint conflict-free counsel to advise and assist the defendant in this regard.” Lester v. State, 820 So. 2d 1078, 1078 (Fla. 1st DCA 2002); see also Wofford v. State, 819 So. 2d 891 (Fla. 1st DCA 2002). Accordingly, we reverse the order denying the motion to withdraw the plea and remand to effectuate Norman’s right to counsel.

REVERSED and REMANDED.

ERVIN, PADOVANO and LEWIS, JJ., CONCUR.