

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

DAMION J. GREEN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-3855

[March 14, 2007]

PER CURIAM.

Damion J. Green appeals the summary denial of his rule 3.850 motion for post-conviction relief. Appellant alleges that trial counsel was ineffective at the sentencing hearing in lower court case 05-304 for failing to present evidence of substantial assistance and the State's offer to mitigate his sentence. The trial court denied appellant's rule 3.850 motion as legally insufficient, and attached the plea form from lower court cases 01-13439, 01-4570 and 04-8326 to refute the claim. The trial court stated that appellant entered into guilty pleas in these cases and received an agreed upon sentence for each case. We affirm.

Appellant's motion for post-conviction relief does not detail with sufficient particularity the ineffectiveness claim. Appellant should have explained the nature of the assistance he provided to the State and that the State agreed that his assistance was sufficient to warrant a recommendation for mitigation. Otherwise, the court would have no ground to mitigate his sentence for assistance to the State. Further, the fact that he alleges that the State offered mitigation suggests that the offer was in connection with the drug offenses, not the fleeing and eluding charges. *See, e.g.*, § 893.135(4), Fla. Stat.

Affirmed.

STONE, WARNER and SHAHOOD, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Richard I. Wennet, Judge; L.T. Case No. 05-304 CFA02.

Damion J. Green, Arcadia, pro se.

Bill McCollum, Attorney General, Tallahassee, and Joseph A. Tringali, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing